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CITY OF ASHEVILLE

CITY COUNCIL MINUTES

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DEPARTMENT OF CULTURAL RESOURCES
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Vol. 36

1968-1970

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ABH 341

"A"

	PAGE
Advisory Board for Asheville-Buncombe County Youth Council - appointment of members (Miss Julia A. Capps and William F. Hart)	4
Alleys - Civic Redevelopment Project N. C. R-13 - request to close	4
Alleys - Civic Redevelopment Project N. C. R-13 - resolution setting date of public hearing on request to close	5
Auditorium - coliseum - notice re bond anticipation notes	9
Advertising costs - petitioners to pay	10
Auditorium Bonds - resolution providing for issuance of $1,000,000 auditorium bond anticipation notes	10
American LaFrance Company - receives award for fire apparatus	12
Asheville Jaycees - Veteran's Day Parade	13
Auditorium Bonds - banks notified of sale of notes	14
Armstrong, Rev. James David - appointed member of Board of Directors of Buncombe County Planning Council	14
Alleys - Civic Redevelopment Project N. C. R-13 - resolution closing	17
Asheville Transit Authority Bonds - notice of intention to apply to Local Government Commission, City Clerk to advertise	23
ABC Board - appointment of member (Robert N. Grice)	23,24
Asheville Transit Authority Bonds - appointment of Council Committee (C. E. Morgan, Dr. Robert P. Crouch and Frank Mulvaney)	25
Asheville Chamber of Commerce - appointment of City representative	26
Asheville Airport - amendment to contract with United Air Lines being negotiated	34
Asheville-Buncombe County Youth Council - request for ice-skating rink	34
Alexander, Perry M. Construction Co. - awarded contract for demolition of Heart of Asheville Motel	35
Asheville Transit Authority - appointment of member (Richard M. Taylor)	36
Asheville-Buncombe County Youth Council - appointment of member (Henry Flowers)	36
Asheville Council of Architects - services offered	38
Asheville Inter-Church Housing Association - easement granted to	39
Asheville Buncombe County Metropolitan Plannkng Board - resignation of Dean Matthews as Director	39
Asheville Planning and Zoning Commission - resignation of Dean Matthews as Director	39
Asheville Buncombe County Youth Council - report on ice skating rink	46
Alley, unnamed, running off Oakley Road - paving authorized	46
Alley running from French Broad Avenue to Ora Street - paving authorized	46
Alley running west from Ambler Road - paving authorized	46
Asheville-Biltmore College - recommendation be included as part of University of North Carolina	47
Asheville Transit Authority - expression of gratitude to be made	47
Asheville-Biltmore College - letter of appreciation	47
Autry, Garland - contract for removal of pulpwood on North Fork Watershed	47
Asheville Transit Authority - recommendation city purchase Suburban Coach Lines	50
Asheville School Board - appointment of members (John P. Holt and John Q. Schell)	56
Asheville Transit Authority - resignation of Hal Starnes	57
Asheville Inter-Church Housing Association - requests deed	57
Assessment ratio for tax purposes - resolution regarding establishment of	59
Asheville Airport - bids - construction of Terminal apron expansion	63
Asheville Airport - contract for construction of Terminal apron expansion	63
Asheville Paving Company - awarded contract for construction of Terminal Apron expansion at Asheville Airport	63
Asheville Transit Authority - resolution authorizing purchase of coaches from General Motors Corporation	69
Asheville City Schools - possibility of consolidating with county	70
Asheville Airport - Grant Agreement with United States of America - Project 9-09-024-C907	70
Asheville Theatres - easement to	71
Asheville Transit Authority - resolution approving award of further bids and acquisition of additional equipment	74
Asheville-Hendersonville Airport - lease to Buncombe County Wildlife Club, Inc.	78
Asheville Transit Authority - appointment of member (Ralph Morris, Jr.)	84
Asheville Transit Authority - Mayor authorized to purchase from County of Buncombe certain property for use of	84
Anderson, Webster - elected as Vice-Mayor	85
Asheville-Biltmore Botanical Gardens, Inc. - request for improvements	88
Anderson, Webster - designated to sign Policemen and Firemen pension checks	92
Asheville-Buncombe County Youth Council - best wishes to new Council	93
Anderson, Webster - designated as Council's representative on Opportunity Corporation of Madison-Buncombe Counties Board of Directors	93
Asheville-Biltmore College - part of University system - best wishes	94
Asheville Firegighters' Association - request for pay increase	94
Auditorium Bonds - resolution providing for the issuance of $1,000,000 Auditorium Bond Anticipation notes	94, 95
American Red Cross - proclamation designating as official disaster relief agency	97
Atkinson, Luke - appointed to Civil Defense Advisory Board	98

	PAGE
Asheville Airport - Gift Shop - modification of lease with Alice S. Duckett	101
Asheville Baseball Week - designation of	101
Asheville Buncombe County Youth Council Advisory Board - appointment of members (Rev. W. A. Eason, Rev. Henry Finch, Mrs. Don Williams, Mrs. Harry P. Clay, William H. Haggard, William M. McMurray, Luther Thigpen, Mrs. Jack Tessier, H. H. Zeugner, George Cragg, Mrs. Julia Capps and Rev. Henry Flowers	102
Asheville Contracting Company - awarded bid for construction of North Buncombe County Reservoir	103
Air pollution - letter from Lawrence J. Traber	104
Asheville Community Theatre, Inc., Tanglewood Children's Theatre, Asheville Symphony - request for funds	107
Amendment to Budget Ordinance	108
Airport - city to seek aid in securing funds for improvements - citizens committee	111
Asheville Model City Commission - appointment of members (James M. Pressley and W. O. Doud)	113
Advisory Board of the Civil Defense Board - appointment of member (Harry W. Clarke)	114
Asheville Airport - fixed base operation - Corporation Counsel to determine legality of Kimball & Hill lease	114
Asheville Board of Alcoholic Control - approval of new site for Biltmore Store	115
Asheville Airport - parking fees - resolution to be drawn	**123**
Asheville Airport - donations - discussion	**123**
Asheville Contracting Company - resolution authorizing Mayor to execute contract with for North Buncombe County Reservoir	**124**
Asheville Airport - bids for strengthening runway	**128**
Asheville Airport - contract awarded - Asheville Paving Co. and Warren Bros. Co.	**128**
Asheville Airport - Grant Agreement - United States of America - strengthening runway	**129, 130**
Auditor - city to employ	**131**
Auditor - discussion - city to choose	132
Annual Audit - June 30, 1969	134
Aviation Commission - request to be created	135
Appreciation - city personnel in maintaining peace	136
Appreciation - all law enforcement personnel in maintaining peace	136
Auditorium bond anticipation notes - resolution	139
Auditor Chosen - A. M. Pullen & Company	144
Asheville Airport - landing fees for private planes - discussion	144
All American City - Asheville chosen as one of 22 finalists	145, 146
Agenda - policy	148
Alleyway - western margin of Merrimon Avenue - resolution refusing acceptance as public street	153
Audit procedures - report	153
A - Z Rental and Nationwide Insurance Company - site plan approved	**162**
Asheville Transit Authority - resolution commending Norman Sultan	**163**
Asheville Transit Authority - resolution appointing member - Robert C. Robinson	**163**
Advisory Board for Asheville-Buncombe County Youth Council - appointment of member, Mrs. Jack Cole	**163**
Asheville Civic Center - name adopted	**163**
Asheville Mall - site plan - public hearing set	165
Asheville-Hendersonville Airport - lease proposal	167
Asheville Transit Authority - appointment of member (J. Nick Davis)	169,170
Asheville-Hendersonville Airport - objection to use for drag racing	170
Asheville Mall - site plan approved	170
Asheville Transit Authority - increased to seven members	174
Asheville Transit Authority - appointment of member (John B. Fisher)	174
Auditing Contracts - City Manager authorized to sign	175
Asheville-Biltmore Botanical Gardens - request	**176**
Asheville Transit Authority - appointment of member (Roy Meece)	**178**
Annual leave and sick leave	**178**

	PAGE
Buncombe County Commissioners - letter of request re water	3
Buncombe County Commissioners - resolution requesting to make application for Federal funds	3
Bank of Asheville - resolution relating to dealings	3
Bus service - request for on Sundays & holidays	4
Buttrick Street - resolution setting date of public hearing on request to close portion	5
Budget statement - period ending August 31, 1968	6
Buffer zone - Shopping Center U. S. 74 - petition, discussion, motion	6
Buffer zone - Shopping Center U. S. 74 - letter from R. L. Coleman	8
Buffer zone - Shopping Center U. S. 74 - petition - R. L. Coleman	8
Buffer zone - Shopping Center U. S. 74 - delay	10
Buffer zone - Shopping Center U. S. 74 - city ordinances - discussion	12
Buffer zone - Shopping Center U. S. 74 - city ordinance - discussion	14
Bee Tree Watershed - cooperative recreation project - meeting to be held	14
Buncombe County Planning Council Board of Directors - appointment of member (Rev. David Armstrong)	14
Budget statement - period ending September 30, 1968	14
Buffer zone - Shopping Center U.S.74, City ordinances - buffer zone relocated	16
Buttrick Street - portion of - closed and abandoned	17
Bids - dumpmaster truck - awarded to Matthews Motors	17
Burger King Corporation - public hearing set on site plan	20
Bonds, Asheville Transit Authority - notice of intention to apply to Local Government Commission, City Clerk to advertise	23
Board of Alcoholic Control - appointment of member (Robert N. Grice)	23
Bonds - Asheville Transit Authority - appointment of Council Committee (C. E. Morgan, Dr. Robert P. Crouch and Frank Mulvaney)	25
Budget - period ending October 31, 1968	25
Bonds - Municipal Vehicle - ordinance authorizing	29
Bonds - City Manager to prepare and file Statement of Debt and Assessed Valuation	30
Bonds - Statement of Debt and Assessed Valuation	30, 31
Bonds - City Clerk to publish ordinance	32
Bonds - Municipal Vehicle - Resolution calling Election	32, 33
Brooks, Homer - resolution appointing as Director of Vanderbilt Apartments	33
Bids - pick-up truck - awarded Sorrells and Swan	33
Bids - Combination Tractor Loader & Backhoe - awarded Farm Equipment Co.	33, 34
Bee Tree Watershed - Agreement with Blue Ridge Parkway, National Park Service	34
Burger King Corporation - site plan approved	35
Bids - demolition of Heart of Asheville Motel	35
Bids - pick-up truck for Sanitation Department	35
Beaucatcher Tunnel cut - discussion	36
Bond Anticipation Notes - Redevelopment - authorized	36
Bids - chemicals for water supply	39
Burris Chemicals, Inc. - awarded bid for chemicals for water supply	39
Board of Elections - appointment of members (G. Edison Hill, Eugene Coston, Alan H. Shaw)	40
Bond referendum (Municipal Vehicle) - discussion	40
Boards and Commissions - vacancies	40
Building permits - developers - streets - discussion	41
Bonds, Municipal Vehicle - resolution canvassing returns	41, 42
Bonds, Municipal Vehicle - recording, filing and publication of statement of returns	42, 43
Bonds, Municipal Vehicle - resolution of appreciation	43
Buncombe County Planning Council - appointment of member (Mrs. Fred Groce)	43
Bids - cars for Planning Commission	45
Budget, interim - Model Cities	46
Bethesda Road - paving authorized	46
Buchanan Road - paving authorized	46
Beaverbrook - plat - referred back to Planning and Zoning Commission	49
Bids - trucks for Sanitation Department	49
Bids - cars for Police Department	50
Bent Creek Subdivison water distribution system - resolution authorizing sale	50
Beaverbrook - plat approved	52
Bids - gasoline	52
Bids - tractor and mower	54
Bids - three dump trucks for Street Department	54
Billiard Hall - application of Gordon A. Shipman for license to operate - denied	55
Barbour, Robert - resignation as member of Housing Authority	57
Bids - summer uniforms for Police and Fire Departments	57
Board of County Commissioners - meeting with - report	59
Bids - remove coal-fired boiler and replace with oil or gas at Fire Department on Merrimon Avenue	63
Bids - construction of Terminal Apron expansion at Asheville Airport	63
Buncombe County - subdivision legislation - motion to delete	66

ABH 341

	PAGE
Bee Tree Lake - resolution setting fees for use of facilities	69
Billiard Hall - application of Bonnie Louise Reece and James C. Reece - approved	69
Bids - golf course tractor for Parks Department - awarded to Farm Equipment Co., Inc.	69
Bids - one pick-up truck for Tax Department - awarded to Matthews Motors	70
Bids - surplus property at city garage - awarded to Sternberg & Company	71
Bids - pull type street paver - awarded to E. F. Craven Co.	71
Bowling, Harold - recommended to be member of Model City Commission	74
Belton, Joseph E. - recommended to be member of Model City Commission	74
Byers, J. W. - recommended to be member of Model City Commission	74
Barber, Dr. John - recommended to be member of Model City Commission	74
Baskerville, Charles - recommended to be member of Model City Commission	74
Bolton, Douglas - recommended to be member of Model City Commission	74
Breathalyzer test - implied consent legislation - Council endorses	76
Buncombe County Wildlife Club, Inc. - lease to (part of Asheville-Hendersonville Airport)	78
Breathalyzer test - resolution endorsing implied consent law	79
Banking depositories designated (Wachovia Bank and Trust Company, First Union National Bank, Bank of Asheville, First-Citizens Bank & Trust Co., and Northwestern Bank)	85
Bank of Asheville - designated as depository of city funds	85
Bonds - city employees	85
Boards and Commissions appointed by Council - list distributed	86
Budget statement - April 30, 1969	86
Bids - sale of 15 buses - awarded Jerry Sternberg Co. and Blue Ridge Paving Co.	92
Blue Ridge Paving Co. awarded bid for 4 buses	92
Building permit fees - no exceptions to be made	92
Budget estimate - to be presented	93
Black neighborhoods - discussion - film	94
Bond Anticipation notes $1,000,000 Auditorium	94, 95
Bond Anticipation notes $700,000 Redevelopment	95
Bond Anticipation notes - form of $1,700,000	95, 96
Bid - Bond Anticipation Notes	98
Budget estimate - 1969-70	99
Budget - protest of Miss McCoy	101
Budget - protest of Asheville Board of Realtors	101
Boxing and Wrestling Commission - appointment of members (Thomas E. Saunooke, Alvah Crowder and Bob Terrell)	102
Bids - North Buncombe County Reservoir - awarded to Asheville Contracting Company	103
Budget and tax increase - discussion	103
Buena Vista Cab Company - notice of appeal	104
Bids - galvanized corrugated metal culvert pipe and bands - awarded to Wheeling Corrugating Company	104
Budget ordinance - amendment to	108
Bureau of Outdoor Recreation, U. S. Department of Interior - application for land grant and developmental grant	111
Buncombe County Planning Council - plan for coordination between Human Relations Council, Chamber of Commerce, City Council, and Buncombe County Commissioners	111
Bureau of Outdoor Recreation, U. S. Department of Interior - report of City Manager on status of application for land grant	114
Blazers - purchase of	114
Board of Alcoholic Control - approval of new site for Biltmore store	115
Bowen, H. H. - appointed member of Board of Examiners of Motion Picture Operators	119
Budget statement - period ending July 31, 1969	123
Bids - leaf loader equipment	130
Bids - paint striping machine	130
Bids - fuel oil	133
BP Oil Corporation - awarded bid for fuel oil	133
Bids - heating city garage	133
Bids - rock salt	135
Bids - four wheel street sweeper	136
Bond anticipation notes, Auditorium	139
Bond anticipation notes, Redevelopment	139
Bond anticipation notes - form and manner	139, 140
Bonds, Municipal Vehicle	141, 142
Bonds, Municipal Vehicle legal opinion	143
Beaver Lake Golf Course - discussion	144
Bonds - Municipal Vehicle - sold	146
Boulden, Hugh C. Subdivision - recommendation of Planning and Zoning Commission	146
Bids - 2 Cushman scooters Police Dept.	148
Buses - appreciation to Transit Authority	148
Boulden, Hugh C. Subdivision plat - approved	149
Blue Jay Knitting Mills, Inc. - agreement for fire protection	149
Bids - two way radio communication for Public Works and Water Dept.	153
Baldwin, Floyd S., Jr. and wife - plat approved	154
Baldwin, Floyd, Jr. and wife - water line extension contract	155
Brown, C. Fred - water line extension contract	155
Board of Alcoholic Control - appointment of member (Dan Eller)	157
Bids - surfacing & resurfacing streets	157
Bureau of Outdoor Recreation - application for development grant	159
Bus service - Hominy area	159
Bids - tires, tubes and recapping	161

	PAGE
Board of Alcholic Control - appointmant of member (Richard P. Hendon)	162
Bids - automobiles for Transit Authority	163
Bids - pipe, fittings, valve sleeves, fire hydrants, etc.	164
Bids - data processing services for Water Department billing	165
Bus stops - discussion	166
Bids - chemicals for water system for 1970	168
Blue Jay Knitting Mills and Vanderbilt Shirt Company - installation of fire alarm system	168, 169
Bledsoe, introduced	169
Board of Electrical Examiners - appointment of member (Gene Blackwell)	169
Blackwell, Gene - appointed member of Board of Electrical Examiners	169
Board of Trustees of Firemen's Relief Fund - appointment of member (John W. Spicer)	171
Board of Directors of Buncombe County Planning Council - appointment of member (Mrs. Leah Butler)	171
Butler, Mrs. Leah - appointed member of Board of Directors of Buncombe County Planning Council	171
Beaver Drive - paving authorized	172
Burned-out house215 E. Chestnut Street - discussion	174
Buncombe County Rescue Squad - city to make expenditure to	174
Bids - swimming pool - Bee Tree Recreation Area	174, 175
Bids - gasoline, oil and greases	175
Bus service - extension requested	175
Bids - 11 police cars and 1 panel truck	176

ABD 718

	PAGE
Capps, Miss Julia A - appointed member of Asheville-Buncombe County Youth Council	4
Central Avenue - request to close portion	4
Central Avenue - resolution setting date of public hearing on request to close portion	5
College Park Place - request to close portion	4
College Park Place - resolution setting date of public hearing on request to close	5
Civic Redevelopment Project N. C. R-13 - proposal to delete three acres north of expressway - discussion	9
City Manager - report on request of merchants in 1000 block of Patton Avenue	9
City Center (Auditorium) - notice re bond anticipation notes	9
City Center (Auditorium) - resolution providing for issuance of $1,000,000 auditorium bond anticipation notes	10
Civic Redevelopment Project N. C. R-13 - three acres north of Expressway to be included in Project	11
Citizens Advisory Committee's sub-committee on Minority Housing - appointment of member (Logan B. Delany)	12
Civic Redevelopment Project N. C. R-13 - sale of property to First Baptist Church	12
City Center - banks notified of sale of notes	14
City employees - wage increase announced	14
Charter requirement ordinance be read on three separate days - dispensed with	15
City Manager Phin. Horton, III commended by Cleveland Association of Governmental Officials	16
Central Avenue - resolution closing	17
College Park Place - resolution closing	17
City Council - time of meeting	18
Charter requirement ordinance be read on three separate days- dispensed with	18
Community Action Agency - designation (OEO)	23
Canton, Town of - request for assistance Law Enforcement Act	23
City of Asheville Board of Alcoholic Control - appointment of member (Robert N. Grice)	23,24
Community Center and fire station - East Riverside - architects invited to meeting	24
Community Center and fire station - East Riverside - architect selected (T. Edmund Whitmire)	24
Canton, Town of - thanks for assistance under Law Enforcement Act	24
Canton, Town of - names of officers who assisted	25
Chamber of Commerce - appointment of City representative	26
City Manager - report on Police Court	29
City Center - Asheville-Buncombe County Youth Council - request for ice skating rink	34
CATV - request of Thoms Broadcasting Companies re installment charges	35
CATV - resolution allowing collection of installation charges on installment basis	35
City Council - time of weekly meetings changed	39
Coston, Eugene - appointed member of Municipal Board of Elections	40
Colburn, B. S. & Co. - employed to make survey, Richmond Hills Golf Course	45, 46
City Manager - report on recruiting trip	46
City Manager - report on Water Dept. operation	46
Church Road - paving authorized	46
City-County Managers Seminar - City Manager to attend	47
City Center - appointment of Cary D. Wilson, Jr. as Manager	47
City Center - employment of manager - criticism by E. R. McCarthy	49
C & H Equipment Co. - awarded bid for furnishing tractor and mower	54
Corporate limits - extension requested (51.0 acres in Hazel Ward known as Robert Bingham Estate - Lawrence J. Traber)	56
Corporate limits - extension requested (Lots 51-1/4, 34, 35 and 95, Hazel Ward, Sheets 5 and 7, known as 441 Hazel Mill Road - David Robinson)	56
Courts - request for early establishment of North Carolina District Court system	56
City Charter - referendum amendments proposed	58
City Charter - referendum amendments proposed	59
City property - City Manager authorized to advertise for sale (Carroll Avenue)	60
Corporate limits - extension - recommendation of Metropolitan Planning Board (Robert Bingham Estate)	64
Carolina Power & Light Company - resolution authorizing easement	69
Corporate limits - extention - Hazel Ward - Hazel Mill Road - letters of protest	70
Craven, E. F. Co. - awarded bid for pull type paver	71
Civic Redevelopment Project N. C. R-13 - Sale of Parcel 15 to Metropolitan Hotel Company - approved	74
City Council - appreciation	84
Cathey, Sam M. - oath of office as Judge of Police Court	85
City employees - bonds	85
City Council - time of weekly meetings	85
City employees - salaries remain same	85
City Managers' Code of Ethics	86
Commissions and Boards appointed by Council - list distributed	86
Charter requirement - ordinance be read on three separate days - dispensed with	86
City employees - Civil Service	87
Civil Service - city employees	87
City Manager, Corporation Counsel, City Clerk, Civil Service Board - remain same	85
Corporation Counsel - James N. Golding appointed	89

ABH 341

	PAGE
Civil Service Board - appointment of Wesley J. Potter as Director and J. T. Rice as member	92
Chamber of Commerce - appointment of Henry E. Colton as Council's representative	92
Colton, Henry E. - appointed Council's representative to Chamber of Commerce	92
City Center - request that study be made	93
Complaints - Mrs. Wesley Sprinkle	94
City Center - Auditorium - resolution providing for issuance of $1,000,000 Auditorium Bond Anticipation notes	94, 95
Civil Service Board - manner of selection of fifth member	97
Civil Defense Advisory Board - appointment of members (Eugene Jarvis, W. T. Fitts, Ellis D. Fysal and Luke Atkinson	98
City Center - protest of Miss McCoy	98
City Center - appointment of member to Advisory Committee (Ruben J. Dailey)	99
Charter Requirement that ordinance be read on three separate days - dispensed with	100
Civic Redevelopment Project No. N. C. R-13 - resolution preventing sale of Parcel No. 16, Plat Unit No. 1	100
Crowder, Alvah - appointed member of Boxing and Wrestling Commission	102
Civil Service Board - appointment of member (Dr. Otis B. Michael)	102
Cheadle, David B. - appointed member of Recreation Board for Asheville	102
Clay, Mrs. Harry P. - appointed member of Advisory Board for Asheville-Buncombe County Youth Council	102
Capps, Mrs. Julia - appointed member of Advisory Board for Asheville-Buncombe County Youth Council	102
Carolina Power & Light Company - easement to	103
Chamber of Commerce executive committee - report of Henry Colton	103
Charter requirement ordinance be read on three separate days- dispensed with	105
Charter requirement ordinance be read on three separate days - dispensed with	106
Centrdal Asheville Association - protest re budget	107
Corporate limits extension - request of Imperial Land Corporation, Thomas Pettigrew	109
Colton, Henry - resolution designating as alternate representative on Opportunity Corporation	108
Civic Arts Center - urges financial support for Asheville Art Museum, Burham S. Colburn Mineral Museum, Asheville Community Theatre, Asheville Symphony Orchestra and Tanglewood Children's Theatre	109
Charter requirement that ordinance be read on three separate days - dispensed with	113
Civil Defense Advisory Board - appointment of member (Harry W. Clarke)	114
Clarke, Harry W. - appointed member of Civil Defense Advisory Board	114
City Manager - salary - protest of Miss McCoy	114
Corporate limits extension - Imperial Land Company - recommendation of Metropolitan Planning Board	115
City of Asheville Board of Alcoholic Control - approval of new location for Biltmore Store	115
Cable, Frank E. - appointed member of Board of Electrical Examiners	119
Corporate limits extension - Imperial Land Corporation - public hearing authorized	120
Civil Service Board - recommendation re age requirements Police and Fire Departments	121
Civil Service Board - endorsement of longevity of service and merit awards to city employees	121
Charter requirement that ordinance be read on three separate days - dispensed with	126
Complaints - John Helveson	131
Civil Service Board - recommendation re amendment to Rule #11 - Residence	131
Civil Service Board - residence requirements - ordinance to be drawn	134
Curfew - lifted	136
Craven, E. F. Company - awarded bid for four wheel street sweeper	136
Crouch, Councilman - statement re racial problems	136, 137
City Center - discussion	144
Corporate limits extension - Imperial Land Corporation - Robinson Ridge Subdivision - public hearing	145
City Management Convention - Mr. McCord	148
Crosstown Expressway - speed limit	150
City credit rating - discussion	150
City of Asheville Board of Alcoholic Control - appointment of member (Dan Eller)	157
City Center Advisory Committee - recommendation	158
City Manager - authorized to proceed with City Center	158
Civic Redevelopment Project NC R-13 rescinding order to hold Parcel 16, Unit 1	158
Charter requirement that ordinance be read on three separate days - dispensed with	160
Camelot Subdivision - plat approved	161
City of Asheville Board of Alcoholic Control - appointment of member (Richard P. Hendon)	162
Council meeting - suggestion be held at Asheville High School	162
Cole, Mrs. Jack - appointed member of Advisory Board of Asheville-Buncombe County Youth Council	163
Clean-Up - discussion	164
Council meeting	164
Civic Center Advisory Committee - meeting	164
Communications - radio - joint city and county - proposal of Stanford Smith	165
Civic Center Advisory Committee - recommendation re letting bids	166
Council meeting	167
Carolina Power & Light Company, agreement for electric service to water pumping station on Highway 25A	167
City Manager - report on parking in West Asheville	169
City tags - discussion	169
Carolina Power & Light Company - right-of-way agreement	169
City Manager - report on school recently attended	170
City Council - complimented	170
Commendation of agencies aiding in recent cold weather	171
Crestwood Lane - paving authorized	172
Courtney Avenue - paving authorized	172
Crime laboratory - proposed	173

ABD 718

CLAIMS FOR DAMAGES

	PAGE		PAGE
Margaret V. Burns - property damage	60		
Charlie Burns Clark - personal injuries	88		
Laura Searles - personal injuries	122		
Farrwood Motel - property damages	129		
Willie May Lance - personal injuries	167		

	PAGE
Delany, Logan B. - appointed member of Citizens Advisory Committee's sub-committee on Minority Housing	12
Dumpmaster truck - bid awarded to Matthews Motors	17
Deputy Clerk of Police Court - resolution appointing (Mrs. Kay Zachary)	23
Dad's Club of Lee Edwards - request for concession stand at Memorial Stadium	40
Decals - authorized for city owned vehicles	46
Dogwood Grove Road - request to widen and raise	52
Deputy Clerk of Police Court - Mrs. Kay Zachary appointed	92
Dailey, Ruben J. - appointed as member of City Center Advisory Committee	99
Duckett, Alice S. - modification of lease of Gift Shop at Asheville Airport	101
Deputy Clerk of Police Court - Mrs. Velma Lloyd appointed	101
Delaney, Logan - appointed Model City Executive Director	108
Doud, W. O. - appointed member of Model City Commission	113
Drainage problem - South Grove Street	123
Drainage problem - South Grove Street	128
Drainage problem - South Grove Street	130
Drainage problem - South Grove Street	134
Drainage problem - South Grove & Silver Streets	134
Drainage problem - South Grove Street	134
Drainage problem - 165 South Grove Street	135
Drainage problem - South Grove Street	148
Dump - Bear Creek Road	148
Dump - Bear Creek Road	159
Director of Finance - appointment of Ernest Ward	162
Dirt from Interstates and Beaucatcher Tunnel - use of for Recreation or parking	166
Development Program - discussion	166, 167
Davis, J. Nick - appointment as member of Asheville Transit Authority	169,170

ABH341

	PAGE
Deed to Housing Authority for any right in Silico Street and South Depot Street	19
Deed - acceptance of from Bishop Vincent S. Waters for any right in Silico Street and S. Depot Street	19
Deed - Low Income Housing Development Corporation - Hunt Hill Place	84
Deed to City from West Asheville Youth and Recreation Center, Inc. (Lot 5, Block 4, plat book 198 at page 188)	93
Deed - Margaret H. Ligon - strip of land 4.45 feet wide along south edge of Brooklet Street	128
Deed - right-of-way to B. V. Hedrick Gravel & Sand Company	159
Deed from Recreation Park Swim Club to City for swimming pool	173

PAGE

ABH 341

	PAGE
Expressway ramp - request to close	4
Expressway ramp - resolution setting date of public hearing on request to close	5
East Riverside Urban Renewal Project - petition	12
East Riverside Urban Renewal Project - discussion	15
Expressway ramp - resolution closing	17
East Riverside - Community center and fire station - architects invited to meeting	24
East Riverside - Community center and fire Station - architect chosen (T. Edmund Whitmire)	24
East Riverside Urban Renewal Project - discussion	24
Election - resolution calling Special Bond Election - Municipal Vehicle Bonds	32, 33
Elections, Board of - appointment of members (G. Edison Hill, Eugene Coston, Alan H. Shaw)	40
Election, Municipal Vehicle Bonds - resolution canvassing returns	41, 42
Election, Municipal Vehicle Bonds - resolution providing for recording, filing and publication of statement of returns	42, 43
Election - Primary - results	66, 67, 68, 69
Easement to Carolina Power & Light Company	69
Easement to Asheville Theatres, Inc.	71
Edwards, Lee H. High School - letter of commendation on basketball team	71
Election - Second Primary - results	77, 78
Election - General - results	82, 83, 84
Executive Director of Planning and Federal Programs - concept approved by Council	86
Executive Director of Planning and Federal Programs - Neal Hanks appointed as	86
Elting, Mrs. Peter - appointed member of Library Board	92
East Riverside - discussion	93
Elting, Mrs. Peter - appointed member of Library Board	102
Eason, Rev. W. A. - appointed member of Advisory Board for Asheville-Buncombe County Youth Council	102
Easement to Carolina Power & Light Co.	103
Electrical Examiners, Board of - appointment of members (Frank E. Cable, B. Laxter Haynes, Lawrence A. Ray)	119
Education - fact sheet - sponsored by National Federation of Republican women	156
Eller, Dan - appointed member of City of Asheville Board of Alcoholic Control	157
Electrical Examiners - Board of - appointment of member (Gene Blackwell)	169

ABH341

	PAGE
First Union National Bank - resolution relating to dealings	3
Fire apparatus - bid awarded American LaFrance	12
First Baptist Church - sale of property in Civic Redevelopment Project N. C. R-13 to	12
Fluoridation - protest of Miss McCoy	17
Farm Equipment Company - awarded contract for tractor loader & backhoe	33, 34
Flowers, Henry - appointed member of Asheville-Buncombe County Youth Council	36
Fluoridation - discussion	38
Fluoridation - report from St. Petersburg	47
Fluoridation - Miss McCoy	49
Fluoridation - Mrs. Stroupe	50
Fluoridation - Mrs. Stroupe	55
Farm Equipment Co. - awarded bid for golf course tractor	69
Fluoridation - Miss McCoy	70
Federal programs - new boundaries - letter to be written	71
Fire Department - letters commending	75
Fire Department - resolution commending	75
Fluoridation - Miss McCoy	79
First Union National Bank - designated as banking depository of city funds	85
First-Citizens Bank & Trust Co. - designated as banking depository of city funds	85
Firemen's Pension Fund - Webster Anderson designated to sign checks	92
Firemen - request for pay increase	94
Fitts, W. T. - appointed to Civil Defense Advisory Board	98
Fysal, Ellis D. - appointed to Civil Defense Advisory Board	98
Fire protection - agreement for with Vanderbilt Shirt Co. and Landry Ltd. Shirt Co.	99
Fluoridation - Miss McCoy	99
Fire hydrants - request for Burton Street area	101
Finch, Rev. Henry - appointed member of Advisory Board for Asheville-Buncombe County Youth Council	102
Flowers, Henry - appointed member of Advisory Board for Asheville-Buncombe County Youth Council	102
Firemen's Relief Fund Board of Trustees - appointment of member (Floyd W. Hancock)	102
Fire hydrants - report on request for - Burton Street area	103
Fair Housing Committee of Interfaith Committee on Housing - request to support Public Law 90-284	103
Fire department - commended	106
Firemen - commended (B. E. Duyck, W. R. Sharpe, T. M. Carland, J. E. Anderson, B. D. Forester, J. B. Conger, II and B. L. Calloway	107
Flooding, Biltmore - discussion	112
Fire hydrant - request for - Club & Trade Streets	112
Firemen - request for adjustment in salaries	114
Fire hydrants - Burton Street area	114
Federal Assistance to Communities Conference - invitation to Council	121
French Broad Law Enforcement Planning Unit - resolution creating	128
Fluoridation - Miss McCoy	129
Finley, A. E. & Associates - awarded bid for leaf loader	130
Fire protection - agreements with Blue Jay Knitting Mills, Mills Manufacturing Corporation, and SKF Industries, Inc.	149
Firemen's Relief Fund Board of Trustees - appointment of member (John W. Spicer)	171
Fire Department - protest of merit pay raises	173
Fisher, John B. - appointed member of Asheville Transit Authority	174
Fire Department - request for study	177

ABH 341

"G"

	PAGE
Gudger Street - request to close portion	1
Gudger Street - resolution setting date of public hearing on request to close portion	5
Gudger Street - portion of - closed and abandoned	17
Grice, Robert N. - appointed member ABC Board	23, 24
Grant agreement - United States of America, Urban Mass Transportation Administration	43
Groce, Mrs. Fred - appointed member of Buncombe County Planning Council	43
Golf course, Richmond Hills - B. S. Colburn & Co. employed to make survey	45, 46
Girl Scout Day - government participation	55
Girl Scouts - participation in government	55
General Motors Corporation - resolution authorizing purchase of coaches from	69
Glenn, Mrs. Daisy - elected to Model City Commission	71
Greendale Avenue - petition to close	78
Greendale Avenue - resolution setting date of public hearing on petition to close	78
General Election - results	82, 83, 84
Golding, James N. - appointed Corportion Counsel	89
Greendale Avenue - resolution abandoning and closing as public street	97
Gilliam, Lonnie - appointed member of Recreation Board for Asheville	102
Green Hills Cemetery - taxes	144
Green Hills Cemetery - taxes - report of Corporation Counsel	146
Golf Course, Municipal - resolution setting fees for use of facilities	161

ABH 341

"G"

	PAGE
Gudger Street - request to close portion	1
Gudger Street - resolution setting date of public hearing on request to close portion	5
Gudger Street - portion of - closed and abandoned	17
Grice, Robert N. - appointed member ABC Board	23, 24
Grant agreement - United States of America, Urban Mass Transportation Administration	43
Groce, Mrs. Fred - appointed member of Buncombe County Planning Council	43
Golf course, Richmond Hills - B. S. Colburn & Co. employed to make survey	45, 46
Girl Scout Day - government participation	55
Girl Scouts - participation in government	55
General Motors Corporation - resolution authorizing purchase of coaches from	69
Glenn, Mrs. Daisy - elected to Model City Commission	71
Greendale Avenue - petition to close	78
Greendale Avenue - resolution setting date of public hearing on petition to close	78
General Election - results	82, 83, 84
Golding, James N. - appointed Corportion Counsel	89
Greendale Avenue - resolution abandoning and closing as public street	97
Gilliam, Lonnie - appointed member of Recreation Board for Asheville	102
Green Hills Cemetery - taxes	144
Green Hills Cemetery - taxes - report of Corporation Counsel	146
Golf Course, Municipal - resolution setting fees for use of facilities	161

ABH 341

	PAGE
Hart, William F. - appointed member of Asheville-Buncombe County Youth Council	4
Housing - systematic Housing Code Compliance - resolution establishing	8
Horton, Phin. III - appointed member of Western North Carolina Regional Planning Commission	9
Horton, Phin. III - commended by Cleveland Association of Governmental Officials	16
Housing Authority - resolution authorizing deed to for any right in S. Depot Street and Silico Street	19
Housing - application for low-rent housing	19
Housing - Site Plan NC Project 7-5, Sites 1 and 2 - approved	21
Hyatt, Carl B. Jr. - resigns as Director of Public Safety	25
Hyatt, Carl. B. Jr. - resolution commending	25
Housing - application for low-rent housing	34
Heart of Asheville Motel - bids for demolition	35
Heart of Asheville Motel - contract awarded for demolition	35
Holiday schedule - adopted by Council	38
Hill, G. Edison - appointed member of Municipal Board of Elections	40
Housing Authority of the City of Asheville - appointment of member (James C. Wilson)	46
Harnett Street - paving authorized	46
Harris, Elizabeth Moss and Husband, Henry H. Harris - release of a part of Lot 242 1/2, Sheet 1, Ward 1 from lease with	50
Holt, John P. - reappointed member of Asheville School Board	56
Housing Authority - resignation of Robert Barbour	57
House Bill 218 - 1% sales tax - resolution requesting amendment	59
Housing Authority - amendatory cooperation agreement	59,60
Housing and Urban Development - Comprehensive Model City plan must be submitted	72
Housing Project between Busbee Street, St. Dunstan's Street and Roebling Circle - referred to Metropolitan Planning Board	76
Housing Authority - appointment of member (Harold Moore)	80
Hanks, Neal - appointed as Executive Director of Planning and Federal Programs	86
Hall, Mrs. Thomas F. - appointed member of Library Board	92
Human Relations Coordinator - discussion	99
Hall, Mrs. Thomas F. - appointed member of Library Board	102
Haggard, William M. - appointed member of Advisory Board for Asheville-Buncombe County Youth Council	102
Hancock, Floyd W. - appointed member of Board of Trustees of Firemen's Relief Fund	102
Housing Authority of the City of Asheville - appointment of member - Jack Stewart	103
Housing, need of	112
Haynes, B. Laxter - appointed member of Board of Electrical Examiners	119
Housing - Charles Dent	128, 129
Holly Ridge - plat approved	131
Hospitalization plan - Councilmen Atkinson and Dailey to serve on committee	135
Housing - low-rent - discussion	146
Housing Authority - resolutiokn approving application for low-rent housing	155
Hendon, Richard P. - appointed member of City of Asheville Board of Alcoholic Control	162
Housing project - discussion	173
Happy Valley Subdivision, Section III - plat approved	176
Housing Code enforcement	178
Hilltop Community Center - invitation	179

ABH 341

	PAGE
Institute of Government study course - Philip C. Cocke, Jr. and J. C. Hall attend	9
Ice Skating Rink - request of Asheville-Buncombe County Youth Council	34
Inter-Church Housing Association - easement granted to	39
Irving Street - paving authorized	46
Implied consent legislation - breathzlyer test - Council endorses	76
Implied consent legislation - breathzlyer test - Council endorses by resolution	79
Institute of Government - School for Municipal Officials - appreciation	101
Irene Wortham Day Care Center for Retarded Children - request for assistance	107
Imperial Land Corporation - corporate limits extension - public hearing authorized	120
International Salt Co. - awarded bid for rock salt	135
Imperial Land Corporation - corporate limits extension - public hearing	145

PAGE

ABH 341

"J"

	PAGE
Jayne, Jesse - resignation as Superintendent of Maintenance of Water Dept.	55
Julian, Lake - resolution setting fees for use of facilities	69
Jarvis, Eugene - letter of commendation	71
Junk autos and litter - request to be removed from Stumptown area	71
Johnson, Mrs. Alleen - elected to Model City Commission	71
Jackson, Wayne E. - elected to Model City Commission	71
Jones, Howard - introduced	80
Jarvis, Eugene - appointed to Civil Defense Advisory Board	98
Junk cars - petition to remove	99
Jaycees - interested in government	134
Johnson, Joseph E., Dorothy K. Morgan - lease amendment - off-street parking	139
Julian, Lake - resolution setting fees for use of facilities	161
Jaycees Week - proclamation	173
Jones, Mrs. Dorothy T. introduced	178

ABH 341

	PAGE
Keep Asheville Beatiful Committee - signs	16
Keating, Dorothy J. - resolution authorizing purchase of property from	45
Killian Lane - paving authorized	46
Keep Asheville Beautiful Committee - resignation of Mrs. Burton Peake as Executive Director	69
Keep Asheville Beautiful Committee - appointment of members (Mrs. Charles Waddell, Mrs. Murry Miller, Mrs. Burton Peake)	69
Knuckles, Mrs. Nola - elected to Model City Commission	71
King, J. Bertram - appointed member of Planning and Zoning Commission	119
Keep Asheville Beautiful Committee - request	121
Keleher, Barbara C. - designated as city's representative on Opportunity Corporation Board of Directors	124

ABH 341

ABH341

"L"

	PAGE
Lease - off-street parking - Hilda M., Helen M. and Mary Jane Moore	6
Lynn-Bar Subdivision - plat approved	7
Lease - City of Sylva - one crash fire truck	8
Low-rent housing - resolution approving application	19
Law Enforcement officers to be sent to assist Town of Canton	23
Law Enforcement - thanks from Town of Canton for assistance	24
Law Enforcement - names of officers who assisted Town of Canton	24, 25
Low- rent housing - resolution approving application	34
Lease - City of Asheville and Elizabeth Moss Harris and husband Henry H. Harris - release of part of Lot 242 1/2, Sheet 1, Ward 1	50
Library Board - proposed expansion	63
Lake Julian - resolution setting fees for use of facilities	69
Lease - Asheville-Hendersonville Airport - Buncombe County Wildlife Club, Inc.	78
Library Board - appointment of members (Mrs. Peter Elting and Mrs. Thomas F. Hall)	92
League of Women Voters Day - proclamation	97
Landry Ltd. Shirt Co. and Vanderbilt Shirt Co. - agreement for fire protection	99
Lease - modification - gift shop at Asheville Airport - Alice S. Duckett	101
Lloyd, Mrs. Velma - appointed Deputy Clerk of Police Court	101
Library Board - appointment of members (Walter R. McGuire, Mrs. Lawrence C. Stoker, Anthony Lord, Mrs. Peter Elting and Mrs. Thomas F. Hall)	102
Lord, Anthony - appointed member of Library Board	102
Lyda, Roger - appointed member of Planning and Zoning Commission	102
Lease Housing Project, developer T. O. Youngblood - referred to Planning and Zoning Commission	104
Land acquisition grant and developmental grant from Bureau of Outdoor Recreation, U. S. Department of the Interior - application for	111
Lyda, Roger - appointed member of Planning and Zoning Commission	119
Lane, J. Don - appointed member of Planning and Zoning Commission	119
Lease - with Main Auto Parts Company, Incorporated	119
Lincoln Avenue - request for lot to be blacktopped	120
Lease Housing Project - T. O. Youngblood - discussion	124
Lake View Park Commission - traffic congestion - request traffic signal	129
Louisiana Avenue - traffic problem	135
Lease amendment - Phillips Petroleum Company	135
Lease amendment - off-street parking - Dorothy J. Morgan and husband, Joseph E. Johnson and wife	139
Landing fees for private planes at Asheville Airport - discussion	144
Low-rent housing - discussion	146
Low-rent housing - resolution approving application	155
Lake Julian - resolution setting fees for use of facilities	161

	PAGE
Moore, Hilda M. Helen M. and Mary Jane - lease - off-street parking	6
Michael, Dr. Otis - proposed as member of Redevelopment Commission	16
Michael, Dr. Otis - appointed member of Redevelopment Commission	17
Matthews Motors - contract awarded for Dumpmaster truck	17
Model Cities - application approved	29
Municipal Vehicle Bonds - ordinance	29
Municipal Vehicle Bonds - City Manager to prepare Statement of Debt and Assessed Valuation	30
Municipal Vehicle Bonds - Statement of Debt and Assessed Valuation	30, 31
Municipal Vehicle Bonds - City Clerk to publish Ordinance	32
Municipal Vehicle Bonds - Resolution calling Special Election	32, 33
Matthews, Dean - resignation as Director of Asheville Buncombe County Metropolitan Planning Board, Asheville Planning and Zoning Commission and Western North Carolina Regional Planning Commission	39
Municipal Board of Elections - appointment of members (G. Edison Hill, Eugene Coston, Alan H. Shaw)	40
Municipal Vehicle Bond - discussion	40
Memorial Stadium - request of Dad's Club for concession stand	40
Morris, Ralph - resolution to be prepared	41
Municipal Vehicle Bonds - resolution canvassing returns	41, 42
Municipal Vehicle Bonds - resolution providing for recording, filing, and publication of statement of returns	42, 43
Municipal Vehicle Bonds - resolution of appreciation	43
Morris, Ralph - resolution in memory of	43
Metropolitan Sewerage District Board - appointment of member (C. LeRoy Robinson)	45
Montgomery, Dr. Wayne - appointed member of Recreation Board for Asheville	45
Model Cities - interim budget	46
Merion Drive - paving authorized	46
Matthews Motors, Inc. - awarded contract for trucks for Sanitation Department	49
Model Cities - metropolitan Government - Miss McCoy	49
Matthews Motors, Inc. - awarded contract for cars for Police Department	50
Model Cities - discussion	53
Metropolitan Planning Board - request to approve "701" Planning work program for second year	53
Metropolitan Planning Board - resolution approving "701 Planning work program for second year	53
Model Cities - Miss McCoy	58
Meeting - Board of County Commissioners and City - report	59
Model cities - discussion	63
Metropolitan Planning Board - recommendation - corpor ate limits extension (Bingham Estate)	64
Miller, Mrs. Murry - appointed member of Keep Asheville Beautiful Committee	69
Matthews Motors, Inc. - awarded contract for one pick-up truck for Tax Department	70
Model City Commission - election of six representatives (Lloyd McCord, Mrs. Alleen Johnson, Mrs. Daisy Glenn, Mrs. Betty R. Smith, Mrs. Nola Knuckles, Wayne E. Jackson)	71
Model City - comprehensive plan must be submitted	72
Model City Commission - members recommended by Mayor (Harold Bowling, Joseph E. Belton, J. W. Byers, Dr. John Barber, Charles Basketville, Douglas Bolton)	74
Metropolitan Planning Board - housing project between Busbee Street, St. Dunstan's Street and Roebling Circle - referred to	76
Model City Program - resolution authorizing submission of revised planning work program and budget to HUD and execution of a Contract for a Planning Grant"	79
Metropolitan Planning Board - appointment of administrator recommended	79
Moore, Harold - appointed member of Housing Authority	80
Morris, Ralph, Jr. - appointed member of Asheville Transit Authority	84
Mayor - election of (Wayne S. Montgomery)	85
Montgomery, Wayne S, elected as Mayor	85
Michael, Otis B. - letter of congratulations	88
Montgomery, Wayne S. - designated as Council's representative on Opportunity Corporation Board of Directors	92
Merrimon Avenue - plan to improve flow of traffic	98
Michael, Dr. Otis B. - appointed member of Civil Service Board	102
Model Cities Program - Executive Director appointed (Logan Delaney)	108
Model Cities Program - Bylaws - Action postponed	108
Model Cities Planning Work Program and budget revision	109
Model Cities - action on Bylaws postponed	111
Model City Commission - appointment of members (James M. Pressley & W. O. Doud)	113
Metropolitan Planning Board - recommendation re corporate limits extension - Imperial Land Company	115
Model City Bylaws - approved	119
Model City planning grant - resolution awarding contract	119
Model City Commission - resolution approving execution of lease for office space	119
Main Auto Parts, Incorporated - lease with	119
Motion Picture Operators - Board of Examiners of - appointment of members - H. H. Bowen and L. B. Simmons	119
Metropolitan affairs - discussion	119
Model City Commission - approval of First Union National Bank as depository for funds	121
Mountainside Apartments - recommendation of Planning and Zoning Commission re site plan	137, 138

ABH341

	PAGE
Model Cities Project Area expanded	139
Morgan, Dorothy J. - Joseph E. Johnson - lease amendment - off-street parking	139
Municipal Vehicle Bonds, issuance authorized	141, 142, 143
Municipal Vehicle Bonds, legal opinion	143, 144
Municipal Vehicle Bonds - sold	146
Model Cities - agenda	148
Mills Manufacturing Corporation - agreement for fire protection	149
Model Cities Commission and Opportunity Corporation of Madison-Buncombe Counties - interagency cooperation	149
Model Cities - Victor Chalk	150
Mountainside Apartments - site plan - approved	152
Mountain Manpower - request for parking spaces approved	153
Minutes and agenda - new format	153
Model Cities Commission - commitment of supplemental funds for land acquisition	160
Municipal Golf Course - resolution setting fees	161
Mountain Street - rubbish	167
Mental Health Center - request to utilize two rooms on sixth floor of City Hall	168
Metropolitan Planning Board - requested to prepare comprehensive recreation plan for Buncombe County and City of Asheville	173
Merit pay raises in Fire Department - protest	173
Meece, Roy - appointed member of Asheville Transit Authority	178

	PAGE
McCormick Field - request for improvements	49
McCord, Lloyd - elected to Model City Commission	71
McGuire, Walter R. - appointed member of Library Board	102
McMurray, William M. - appointed member of Advisory Board for Asheville-Buncombe County Youth Council	102
McCurry Realty Company, property of - plat approved	109
McCurry, Thomas O. - appointed member of Planning and Zoning Commission	119
McCoy, Miss Fannie - speaks against OEO, Model Cities, and use of computers in Water Department	124
McCoy, Miss Fannie - speaks re metropolitan government - Neal Hanks	134
McCurry, T. L. Subdivision - plat approved	160
McDuffie, John - appointed member of Planning and Zoning Commission	174

ABD 718

"N"

	PAGE
North Carolina League of Municipalities - notice of annual meeting	4
National Park Service, Blue Ridge Parkway - contract re Bee Tree watershed	34
North Fork Watershed - agreement correcting irregularities in property line	45
North Fork Watershed - contract with Garland Autry	47
North Carolina District Court system - request for early establishment	56
Northwestern Bank, The - designated as depository of city funds	85
North Fork Dam - repairs necessary	121
North Buncombe County Reservoir - resolution authorizing Mayor to execute contract with Asheville Contracting Company	124
North Carolina League of Municipalities - convention - appreciation	150
North Carolina League of Municipalities - convention - appreciation	150
Nationwide Insurance Company and A. Z. Rental Center - site plan	154
Nationwide Insurance Company and A-Z Rental Center - site plan - approved	162

ABH 341

	PAGE
Oak Street - request to close portion	4
Oak Street - resolution setting date of public hearing on request to close	5
Off-Street parking - lease - Helen M. Hilda M. and Mary Jane Moore	6
Oak Street - resolution closing	17
OEO - resolution designating Community Action Agency	23
Oak Hill Drive - paving authorized	46
Off-street parking - release of part of Lot 242 1/2, Sheet 1, Ward 1 from lease between City of Asheville and Elizabeth Moss Harris and husband, Henry H. Harris	50
Out of town personnel - employment of - protest of L. B. Womack	51
Out of town personnel - employment of - protest of Miss McCoy	
Out of town personnel - employment of - E. R. McCarthy - discussion	53
Opportunity Corporation - resolution designating Wayne Montgomery as Council's representative	92
Opportunity Corporation - resolution designating Webster Anderson as Council's representative	93
Opportunity Corporation - resolution designating Henry Colton as alternate representative	108
Opportunity Corporation - complaint of Chalk	120
Opportunity Corporation - discussion	123
Opportunity Corporation - resolution designating Barbara C. Keleher as city's representative	124
One per cent. sales tax - Council to reduce property tax	132
Off-street parking - lease amendment - Dorothy J. Morgan and husband, Joseph E. Johnson and wife	139
One per cent sales tax - Council reaffirms its position	148
Opportunity Corporation - Model Cities Commission - interagency cooperation	149
One per cent sales tax - appreciation	153
Overtime pay	178

ABH 341

AHA 662

ORDINANCES

PAGE

ORDINANCE NO. 605
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading Book 35, page 475
Second Reading 3
Third Reading 4

ORDINANCE 525 - BUFFER ZONE HELD INVIOLATE BY CITY COUNCIL 6
BUFFER ZONE AMENDED 16

ORDINANCE NO. 606 -
AN ORDINANCE AMENDING ORDINANCE #322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE"," AS AMENDED
First Reading 8
Second Reading 9
Third Reading 13

ORDINANCE NO. 607 -
AN ORDINANCE AMENDING ORDINANCE #604, WHICH ORDINANCE ADOPTED AND APPROPRIATED THE OPERATING BUDGET AND FIXED THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1968-69
First Reading 14
Second Reading 15
Third Reading 15

ORDINANCE NO. 608 -
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 16
Second Reading 18
Third Reading 21, 22

ORDINANCE NO. 609
AN ORDINANCE AMENDING SECTION 24-6 OF THE ASHEVILLE CITY CODE TO INCLUDE CERTAIN HIGHWAYS
First Reading 18
Second Reading 18, 19
Third Reading 19

ORDINANCE NO. 610
AN ORDINANCE AMENDING SECTIONS 8-17, 8-29, and 8-31 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE
First Reading 24
Second Reading 25
Third Reading 27, 28, 29

ORDINANCE AUTHORIZING $600,000 MUNICIPAL VEHICLE BONDS
First Reading 29
Second Reading 31
Third Reading 32

ORDINANCE NO. 611
AN ORDINANCE AMENDING ORDINANCE No. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 36
Second Reading 38
Third Reading 39, 40

ORDINANCE NO. 612
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 49
Second Reading 50
Third Reading 51, 52

ORDINANCE NO. 613
AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO PROCLAIM THE EXISTENCE OF A STATE OF EMERGENCY AND TO IMPOSE CERTAIN RESTRICTIONS DURING THE SAME
First Reading 50
Second Reading 52
Third Reading 53

PAGE

ORDINANCE NO. 614 -
AN ORDINANCE REGULATING THE USE AND MANAGEMENT OF THE PROPERTY LEASED FROM CAROLINA POWER AND LIGHT COMPANY, INCLUDING LAKE JULIAN AND SURROUNDING AREA
First Reading 57
Second Reading 58
Third Reading 60, 61, 62

ORDINANCE NO. 615
AN ORDINANCE REGULATING THE USE AND MANAGEMENT OF BEE TREE LAKE AND RECREATION AREA
First Reading 57
Second Reading 58
Third Reading 62

ORDINANCE NO. 616
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED
First Reading 59
Second Reading 63
Third Reading 64, 65

ORDINANCE NO. 617
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED
First Reading 65
Second Reading 65
Third Reading 65, 66

ORDINANCE NO. 618
AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS
First Reading 70
Second Reading 74
Third Reading 74,75

ORDINANCE NO. 619
AN ORDINANCE CREATING A MODEL CITY COMMISSION
First Reading 72
Second Reading 72
Third Reading 72,73,74

ORDINANCE NO. 620
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 75
Second Reading 76
Third Reading 80, 81

ORDINANCE NO. 621
AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT DWELLING KNOWN AS ONE GRAIL STREET AND GEORGE WASHINGTON CARVER AVENUE AND OWNED BY RACHEL ADAMS, JAMES PATTON, MAX SULLIVAN, JR., ET AL
First Reading 75
Second Reading 76,77
Third Reading 81, 82

ORDINANCE NO. 622
AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 386 AND 386½ BROADWAY AVENUE, 161 CLINGMAN AVENUE, 67 HILL STREET, 30 AND 50 MILLER STREET, 107, 109, and 139 POPLAR STREET AND 63 WAYNESVILLE AVENUE
First Reading 85
Second Reading 86
Third Reading 86, 87, 88

ORDINANCE NO. 623
AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1969 AND ENDING JUNE 30, 1970.
First Reading 89
Second Reading 89
Third Reading 89, 90, 91, 92

PAGE

ORDINANCE NO. 624
INTERIM APPROPRIATION ORDINANCE
First Reading 100
Second Reading 100
Third Reading 100

ORDINANCE NO. 625
AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 101
Second Reading 104
Third Reading 107

ORDINANCE NO. 626
AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1969-70
First Reading 104,105
Second Reading 108
Third Reading 109, 110, 111

ORDINANCE NO. 627
AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF BROADWAY FROM WOODFIN STREET TO THE BEGINNING OF MERRIMON AVENUE AND ALONG THE EAST SIDE OF MERRIMON AVENUE FROM THE BEGINNING OF MERRIMON AVENUE (GOING NORTH) TO OTTARI ROAD AND ALONG THE EAST AND WEST SIDES OF MERRIMON AVENUE FROM OTTARI ROAD TO N. C. 694 (BEAVER-DAM ROAD)
First Reading 105
Second Reading 105
Third Reading 105,106

ORDINANCE NO. 628
AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF CLINGMAN AVENUE BETWEEN EUGENE STREET AND PATTON AVENUE
First Reading 106
Second Reading 106
Third Reading 106

ORDINANCE NO. 629
AN ORDINANCE ESTABLISHINGA 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 O'CLOCK P. M. ON ANY DAY THAT THE BUNCOMBE COUNTY SCHOOLS ARE IN SESSION
First Reading 112
Second Reading 115, 116
Third Reading 116

ORDINANCE NO. 630
AN ORDINANCE ESTABLISHING a 20 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 O'CLOCK P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION
First Reading 112
Second Reading 116, 117
Third Reading 117

ORDINANCE NO. 631
AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 O'CLOCK P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION
First Reading 112
Second Reading 118
Third Reading 118

ORDINANCE NO. 632 - AN ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON VALLEY STREET BETWEEN GRAIL STREET AND SOUTHSIDE AVENUE
First Reading 113
Second Reading 113
Third Reading 113

PAGE

ORDINANCE NO. 633
AN ORDINANCE FOR THE CONDEMNATION, REPAIR AND DEMOLITION OF UNSAFE BUILDINGS
Discussion 121
First Reading 122
Second Reading 123
Third Reading 124, 125, 126

ORDINANCE No. 634
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 124
Second Reading 126
Third Reading 127

ORDINANCE NO. 635
AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF LOUISIANA AVENUE BETWEEN PATTON AVENUE AND HAYWOOD ROAD
First Reading 130
Second Reading
Third Reading
TABLED 133

ORDINANCE NO. 636
AN ORDINANCE AMENDING SECTION 27-8 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB FARES
First Reading; 132
Second Reading 132
Third Reading 132,133

ORDINANCE NO. 637
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 136
Second Reading 138
Third Reading 144, 145

ORDINANCE NO. 638
AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 1969-70
First Reading 138
Second Reading 145
Third Reading 146, 147

ORDINANCE NO. 639
AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY
First Reading 147
Second Reading 149
Third Reading 151

ORDINANCE NO. 640
AN ORDINANCE DESIGNATING RESIDENCE REQUIREMENTS FOR EMPLOYMENT IN THE CITY OF ASHEVILLE
First Reading 147
Second Reading 149
Third Reading 151, 152

ORDINANCE No. 641
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED
Referred to Planning and Zoning Commission 147

ORDINANCE NO. 642
AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 152,153
Second Reading 155
Third Reading 156

ORDINANCE NO. 643
AN ORDINANCE RESTRICTING PARKING ON CHARLOTTE AND OAK STREETS DURING CERTAIN HOURS
First Reading 155
Second Reading 156
Third Reading 160

PAGE

ORDINANCE NO. 644 - AN ORDINANCE AMENDING SECTION 24-6 OF THE ASHEVILLE CITY CODE TO INCLUDE CERTAIN HIGHWAYS
First Reading 156
Second Reading 156
Third Reading 160

ORDINANCE NO. 645 - AN ORDINANCE ESTABLISHING SPEED LIMITS ON PATTON AVENUE FROM WESTERN CORPORATE LIMIT TO NC 191
First Reading 156
Second Reading 160
Third Reading 163

ORDINANCE NO. 646 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 159
Second Reading 160
Third Reading 160

ORDINANCE NO. 647 - AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 1969-1970
First Reading 161
Second Reading 163
Third Reading 165

ORDINANCE NO. 648 - AN ORDINANCE EETABLISHING SPEED LIMITS FOR THE ST. JOAN OF ARC SCHOOL, ST. EUGENES CATHOLIC SCHOOL, ST. GENEVIEWES OF THE PINES SCHOOL AND ASHEVILLE CATHOLIC HIGH SCHOOL
First Reading 161
Second Reading 163
Third Reading 165

ORDINANCE NO. 649 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 162
Second Reading 165
Third Reading 167

ORDINANCE NO. 650 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 162
Second Redding 165
Third Reading 167

ORDINANCE NO. 651 - AN ORDINANCE REPEALING SECTION 18-19 OF THE ASHEVILLE CODE OF ORDINANCES (ORDINANCE NO. 526)
First Reading 169
Second Reading 171
Third Reading
TABLED 172

ORDINANCE NO. 652 - AN ORDINANCE ESTABLISHING RECONNECTION CHARGES FOR WATER SERVICE
First Reading 171
Second Reading 172
Third Reading 174

ORDINANCE NO. 653 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
Defeated on First Reading 176

ORDINANCE NO. 654 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED
First Reading 177
Second Reading
Third Reading

ORDINANCE No. 655 - AN ORDINANCE AMENDING SECTION 28-63 OF THE CODE OF THE CITY OF ASHEVILLE
First Reading 178
Second Reading
Third Reading

ORDINANCE NO. 656 - AN ORDINANCE AMENDING SECTION 28-64 OF THE CODE OF THE CITY OF ASHEVILLE
First Reading 178
Second Reading
Third Reading

ABD 718

ABH 341

	PAGE
Planning and Zoning Commission - recommendation (Lots 7 and 56, Sheet 22, Ward 9, Fred Pearlman for Avon Investment Associates)	1
Planning and Zoning Commission - recommendation (Lots 1 3/4 and 391, Sheet 28, Beaverdam Ward - Richard L. Coleman for L. O. Huckaby)	1
Planning and Zoning Commission - recommendation (Buffer requirement requested by R. L. Coleman)	2
Planning and Zoning Commission - recommendation (Visibility at Intersections)	2
Planning and Zoning Commission - amendment requested to Zoning Ordinance (Property in Civic Redevelopment Project N. C. R-13)	4
Patton Avenue - request that ten hundred block be unlimited access	4
Planning and Zoning Commission - request that Ordinance 525 be amended (R. L. Coleman)	4
Planning and Zoning Commission - reasoning for denying request to rezone Lots 1 3/4 and 391, Sheet 28, Beaverdam Ward, R. L. Coleman for L. O. Huckaby)	6
Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lot 4 1/4, Sheet 22, Ward 9 - Thomas J. Parker)	6
Planning and Zoning Commission - request to amend Zoning Ordinance (Lot 1 3/4, Sheet 18, Ward 2)	7
Planning and Zoning Commission - recommendation re rezoning Civic Redevelopment Area N. C. R-13	7
Plat Approved - Lynn-Bar Subdivision	7
Petition - barking dogs	8
Petition - buffer zone - New West Asheville Post Office	8
Petition - R. L. Coleman - buffer zone - Tunnel Road	8
Planning and Zoning Commission - request to amend zoning ordinance (Lots 1 3/4 and 391, Sheet 28, Beaverdam Ward - R. L. Coleman, agent for L. O. Huckaby)	9
Petition - South Buncombe District - water service and charges	10
Petition - buffer zone - New West Asheville Post Office - discussion	10
Petition - East Riverside Urban Renewal Project	12
Planning and Zoning Commission - recommendation (Lot 1 3/4, Sheet 18, Ward 2, R. J. Gardner)	12
Planning and Zoning Commission - recommendation (Lot 1 3/4 and 391, Sheet 28, Beaverdam Ward, R. L. Coleman, agent for L. O. Huckaby)	13
Padgett, Floyd J. - appointed temporary head of Water Department	14
Planning and Zoning Commission - request to amend zoning ordinance (Lots 7, 8 1/4, 9, 10, 9 1/4, 10 1/4, 6 1/4, 6 1/2, 8, 8 1/2, Sheet 14, Ward 5; Lots 1, 56 1/2, 63, 56, 57, 58, 59, 60, 61, 62, Sheet 9, Ward 5)	20
Planning and Zoning Commission - recommendation (Lots 1-3/4 and 391, Sheet 28, Beaverdam Ward, R. L. Coleman)	20, 21
Police Court - appointment of Deputy Clerk (Mrs. Kay Zachary)	23
Public Safety - resignation of Carl B. Hyatt, Jr. as Director	25
Public Safety - resolution commending Carl B. Hyatt, Jr.	25
Police Court - investigation - discussion	25
Planning and Zoning Commission, recommendation (Lot 4 1/4, Sheet 22, Ward 9, Thomas J. Parker)	26
Planning and Zoning Commission - amendment requested to zoning ordinance (Lots 313, 314, 315, 318, 319, 356, 232, Sheet 16, Ward 6)	26
Planning and Zoning Commission - amendment requested to Zoning Ordinance (Portion of Lot 242, Sheet 13, Ward 8 (Braboy)	27
Plat approved - Springtime Subdivision, Part A, Section III	27
Police Court - report of City Manager	29
Parkland Chevrolet - awarded contract for pick-up truck	35
Police Court investigation - discussion	38
Planning and Zoning Commission - resignation of Dean Matthews as Director	39
Planning and Zoning Commission - amendment requested to zoning ordinance (Lot 64, [illegible], Sheet 5, Ward 2, Bruce Brown)	44
Planning and Zoning Commission - recommendation (Lots 313, 314, 315, 318, 319, 356, 232, Sheet 16, Ward 6, George Cowan	44
Planning and Zoning Commission - recommendation (Portion of Lot 242, Sheet 13, Ward 8- Clyde E. Braboy)	44
Plat - Smith Circle Subdivison - approved	44, 45
Parkland Chrvrolet - awarded bid for car for Planning Commission	45
Planning and Zoning Commission - amendment requested to zoning ordinance (portion of Lot 174-1/4, Sheet 16, Ward 2, and additional 125 feet of Lot 174, Sheet 16, Ward 2)	46
Paving authorized - Bethesda Road, Buchanan Road, Church Road, Harnett Street, Irving Street, Killian Lane, Merion Drive, Oak Hill Drive, Powers Drive, unnamed alley running off Oakley Road, Alley running from French Broad Avenue to Ora Street, and alley running west from Ambler Road	46
Powers Drive - paving authorized	46
Plat - Beaverbrook - referred back to Planning and Zoning Commission	49
Plat - Beaverbrook - approved	52
Parkland Chevrolet Co. - awarded bid for 3 dump trucks	54
Planning and Zoning Commission - amendment requested to zoning ordinance (Lot 284, Sheet 12, Ward 5)	55
Planning and Zoning Commission - recommendation (elimination of commercial parking lots from residential areas)	55
Pool Hall - application of Gordon A. Shipman - denied	55
Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 16¼, 17 and 18, Sheet 3, Ward 2)	56
Planning and Zoning Commission - amendment requested to Zoning Ordinance (51.0 acres proposed to be annexed by Lawrence J. Traber)	56
Planning and Zoning Commission - recommendation (Lot 64, Sheet 5, Ward 2 - Bruce Brown)	56
Planning and Zoning Commission - recommendation (Lots 174 and 174¼, Sheet 16, Ward 2 - Patton and Parker)	57
Police Department - funds received from Governor's Committee on Law and Order	60

PAGE

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Saint Dunstan Circle, Saint Dunsdan Road, Roebling Circle, Sterling Street and Grindstaff Place 64

Planning and Zoning Commission - recommendation (Lot 284, Sheet 12, Ward 5) 64

Primary Election - results 66,67, 68, 69

Peake, Mrs. Burton T. - resignation as Executive Director of Keep Asheville Beautiful Committee 69

Peake, Mrs. Burton T. - appointed member of Keep Asheville Beautiful Committee 69

Pool Hall - application of Bonnie Louise Reece and James C. Reece - approved 69

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lot 107-1/2, Sheet 8, Ward 9 - Booth-Barfield, Inc.) 71

Police Department - letters commending 75

Police Department - resolution commending 75

Planning and Zoning Commission - amendment requested to zoning ordinance - east side of Grove Street (Pioneer Land, Devl., Inc.) 76

Planning and Zoning Commission - request for ordinance to be drawn (Saint Dunstan's Circle, Saint Dunstan's Road, Roebling Circle, Grindstaff Place and Sterling St.) 80

Primary Election (Second) results 77,78

Planning and Zoning - protest of T. O. Youngblood - St. Dunstan's Circle neighborhood 80

Police Court Judge - Sam M. Cathey - oath of office 85

Police Court Solicitor - Peter L. Roda - oath of office 85

Planning and Zoning Commission - St. Dunstan's Circle neighborhood - public hearing 89

Police Court - Mrs. Kay Zachary appointed Deputy Clerk 92

Potter, Wesley J. - appointed Director of Civil Service 92

Policemen's Pension Fund - Webster Anderson designated to sign checks 92

Project 3000 - report by Councilman Anderson 93

Petition - Rumbough Place - one-way street 94

Planning and Zoning Commission - recommendation St. Dunstan's Circle neighborhood 97

Planning and Zoning Commission - recommendation Lot 107-1/2, Sheet 8, ward 9 97

Planning and Zoning Commission - recommendation east side of Grove Street 97

Plat - Salley Sumner Subdivision - approved by Planning and Zoning Commission 97

Proclamation - League of Women Voters Day 97

Proclamation - designating American Red Cross as disaster relief agency 97

Project 3,000 - report of Vice-Mayor 98

Project 3,000 - discussion and protest 98

Petition - removal of junk cars 99

Project 3,000 - discussion 99

Planning and Zoning Commission - site plan - Western Carolina Corporation - referred to 100

Project 3,000 - report 101

Project 3,000 - discussion 101

PAGE

Police Court - Deputy Clerk appointed (Mrs. Velma Lloyd) 101

Planning and Zoning Commission - appointment of member - Roger Lyda 102

Planning and Zoning Commision - 30-unit lease Housing Project, developer T. O. Youngblood, off Sterling Street 104

Public Law 90-284 - resolution encouraging compliance 104

Police Court - Substitute Judge appointed (Loren D. Packer) 104

Packer, Loren D. - appointed Substitute Judge of Police Court 104

Plat approved - Springtime Subdivision-Section II 107

Plat approved - property of T. O. McCurry Realty Company 109

Plan for coordination between Human Relations Council, Chamber of Commerce, City Council and Buncombe County Commissioners 111

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 65 thru 69, Sheet 5, Ward 2, W. F. Algary; Lot 64, Sheet 5, Ward 2, Bruce J. Brown) 112

Pressley, James M. - appointed member of Model City Commission 113

Petition - burned house on Lincoln Avenue 114

Petition - paving of Baxter Street 114

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 117, 118, 119, 119½, 123, 123½, 124, 125, 126, Sheet 26, Ward 7 - Carter 115

Planniing and Zoning Commission - recommendation (Lots 65 thru 69, Sheet 5, Ward2, W. F. Algary; Lot 64, Sheet 5, Ward 2, Bruce J. Brown) 115

Planning and Zoning Commission - appointment of members (Anthony Redmond, J. Bertram King, Thomas O. McCurry, Roger Lyda, and J. Don Lane) 119

Park and Recreation Department - invitation to circus 120

Planning and Zoning Commission - recommendation re T. O. Youngblood Lease Housing Project site plan 120

Petition - water - Candler section 121

Police Conduct - complaint 121

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 39 and 40, Sheet 7, Ward 4 - Eugene Smith) 122

Planning and Zoning Commission - amendment requested to Zoning Ofdinance (Lots 9-1/2, 9-3/4, Sheet 10, Ward 6 - B. C. Morton) 122

Police Court Solicitor - request for increase in salary 123

Prosser, Julian - introduced 123

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 7-1/4, Sheet 12, Ward 4) 124

Planning and Zoning Commission - recommendation (Lots 39 and 40, Sheet 7, Ward 4, Eugene Smith) 129

Planning and Zoning Commission - recommendation (Lots 41 through 43, Lots 46 through 56, Ward 6, Sheet 8, and the rear of Lots 427 and 428, Sheet 4, Ward 6 - J. V. Shoemaker 129

PAGE

Planning and Zoning Commission - recommendation (Lots 117, 118, 119, 119½, 123, 123½, 125 and 126, Sheet 26, Ward 7 - B. F. Carter) 129

Planning and Zoning Commission - recommendation (Lots 9-1/2, 9-3/4, Sheet 10, Ward 6, B. C. Morton, Sr.) 129

Prismo Universal Corp - awarded bid for paint striping machine 130

Plat - Holly Ridge - approved 131

Police Department - photographic equipment recommended 131

Property taxes - to be reduced - if one per cent sales tax adopted 132

Public Service Co. of N. C., Inc. - awarded bid for heating city garage 133

Planning and Zoning Commission - request that zoning ordinance be amended (Lots 16½, 17, 18, Sheet 3, Ward 2, Murray B. Chidester) 134

Phillips Petroleum Company - amended lease 135

Planning and Zoning Commission - recommendation (Lots 117, 118, 119, 119½, 123, 123½, 125 and 126, Sheet 26, Ward 7, B. F. Carter) 137

Planning and Zoning Commission - recommendation (Lots 7-1/4, 8 and 9, Ward 4, Sheet 12, James C. Elliott, Jr. and others) 137

Pullen, A. M. & Company, chosen as Auditor 144

Pisgah View Apartments - Tenants Association - complaint about police 144

Police - complaint about - Pisgah View Apartments Tenants Association 144

Planning and Zoning Commission - request for amendment to zoning ordinance (Lots 2 and 9, Sheet 11, Ward 7 - Evelyn K. Ness) 146

Planning and Zoning Commission - request for amendment to zoning ordinance (Lots 117, 118, 119, 119½, 120½, 121½, 122½, 123, 124, 125, 126, 123½, and 145, Sheet 26, Ward 7 - B. Fletcher Carter) 146

Plat - C. Hugh Boulden Subdivision - recommendation of Planning and Zoning Commission 146

Plemmons, T. H. Jr. - agreement concerning a 2 inch water line on Bradshaw Road 147

Planning and Zoning Commission - amendment requested to zoning ordinance (Lots 134, 135, 136, 137, 138, 138½, 139, 139½, Sheet 3, Ward 4 - Asheville Transit Authority 149

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 151, 7, 56, 150, 7-3/4, Sheet 22, Ward 9, Lots 1-3/4, 1, Sheet 23, Ward 9, S. D. Rocamora, agent 149

Plat - C. Hugh Boulden Subdivision - approved 149

Probation office - discussion re rent 150

Planning and Zoning Commission - recommendation (Non-profit museums) 154

Planning and Zoning Commission - recommendation (Request of B. Fletcher Carter 154

Planning and Zoning Commission - recommendation (Request of Asheville Transit Authority) 154

Planning and Zoning Commission - recommendation (Request of Murray Chidester) 154

Planning and Zoning Commission - recommendation (Property of R. L. Coleman, Tunnel Road 154

Planning and Zoning Commission - recommendation re site plan - A. Z. Rental Center and Nationwide Insurance Company 154

Planning and Zoning Commission - recommendation re plat Floyd S. Baldwin, Jr. and wife, Mildred O. Baldwin 154

PAGE

Plat approved - Mildred O. Baldwin and Floyd S. Baldwin, Jr. 154

Pfeiffer, William - appointed member of Recreation Board for Asheville 157

Public hearing rescinded - Coleman property, Tunnel Road 159

Plat - T. L. McCurry Subdivision - approved 160

Plat - Robinson Ridge Subdivision - approved 160,161

Plat - Camelot Subdivision - approved 161

Plat - T. O. Youngblood Lease Housing 164

Parking - West Asheville - discussion 166

Parking - West Asheville - report of City Manager 169

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 2 and 9, Ward 7, Sheet 11, Mrs. Evelyn K. Ness) 170

Pullen, A. M. & Company, Certified Public Accountants - recommendations 171

Paving authorized - Beaver Drive, Courtney Avenue, Crestwood Lane, West Haith Drive, Pennaylvania Place and Russell Avenue 172

Pennsylvania Avenue - paving authorized 172

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Avon Investment Co., Mary J. Poole and L. O. Huckaby, Inc. by L. D. Rocamora, agent) 173

Proclamation - Jaycees Week 173

Planning and Zoning Commission - appointment of member (John McDuffie) 174

Permit for public demonstration - granted by City Manager 175

Planning and Zoning Commission - recommendation (Robinson Ridge Subdivision, property of Pettigrew, Bryant and Oast, and property of Imperial Land Company) 176

Plat - Happy Valley Subdivision, Section III - approved 176

ABD 718

PAGE

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Saint Dunstan Circle, Saint Dunsdan Road, Roebling Circle, Sterling Street and Grindstaff Place 64

Planning and Zoning Commission - recommendation (Lot 284, Sheet 12, Ward 5) 64

Primary Election - results 66,67, 68, 69

Peake, Mrs. Burton T. - resignation as Executive Director of Keep Asheville Beautiful Committee 69

Peake, Mrs. Burton T. - appointed member of Keep Asheville Beautiful Committee 69

Pool Hall - application of Bonnie Louise Reece and James C. Reece - approved 69

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lot 107-1/2, Sheet 8, Ward 9 - Booth-Barfield, Inc.) 71

Police Department - letters commending 75

Police Department - resolution commending 75

Planning and Zoning Commission - amendment requested to zoning ordinance - east side of Grove Street (Pioneer Land, Devl., Inc.) 76

Planning and Zoning Commission - request for ordinance to be drawn (Saint Dunstan's Circle, Saint Dunstan's Road, Roebling Circle, Grindstaff Place and Sterling St.) 80

Primary Election (Second) results 77,78

Planning and Zoning - protest of T. O. Youngblood - St. Dunstan's Circle neighborhood 80

Police Court Judge - Sam M. Cathey - oath of office 85

Police Court Solicitor - Peter L. Roda - oath of office 85

Planning and Zoning Commission - St. Dunstan's Circle neighborhood - public hearing 89

Police Court - Mrs. Kay Zachary appointed Deputy Clerk 92

Potter, Wesley J. - appointed Director of Civil Service 92

Policemen's Pension Fund - Webster Anderson designated to sign checks 92

Project 3000 - report by Councilman Anderson 93

Petition - Rumbough Place - one-way street 94

Planning and Zoning Commission - recommendation St. Dunstan's Circle neighborhood 97

Planning and Zoning Commission - recommendation Lot 107-1/2, Sheet 8, ward 9 97

Planning and Zoning Commission - recommendation east side of Grove Street 97

Plat - Salley Sumner Subdivision - approved by Planning and Zoning Commission 97

Proclamation - League of Women Voters Day 97

Proclamation - designating American Red Cross as disaster relief agency 97

Project 3,000 - report of Vice-Mayor 98

Project 3,000 - discussion and protest 98

Petition - removal of junk cars 99

Project 3,000 - discussion 99

Planning and Zoning Commission - site plan - Western Carolina Corporation - referred to 100

Project 3,000 - report 101

Project 3,000 - discussion 101

PAGE

Police Court - Deputy Clerk appointed (Mrs. Velma Lloyd) 101

Planning and Zoning Commission - appointment of member - Roger Lyda 102

Planning and Zoning Commision - 30-unit lease Housing Project, developer T. O. Youngblood, off Sterling Street 104

Public Law 90-284 - resolution encouraging compliance 104

Police Court - Substitute Judge appointed (Loren D. Packer) 104

Packer, Loren D. - appointed Substitute Judge of Police Court 104

Plat approved - Springtime Subdivision-Section II 107

Plat approved - property of T. O. McCurry Realty Company 109

Plan for coordination between Human Relations Council, Chamber of Commerce, City Council and Buncombe County Commissioners 111

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 65 thru 69, Sheet 5, Ward 2, W. F. Algary; Lot 64, Sheet 5, Ward 2, Bruce J. Brown) 112

Pressley, James M. - appointed member of Model City Commission 113

Petition - burned house on Lincoln Avenue 114

Petition - paving of Baxter Street 114

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 117, 118, 119, 119½, 123, 123½, 124, 125, 126, Sheet 26, Ward 7 - Carter 115

Planniing and Zoning Commission - recommendation (Lots 65 thru 69, Sheet 5, Ward2, W. F. Algary; Lot 64, Sheet 5, Ward 2, Bruce J. Brown) 115

Planning and Zoning Commission - appointment of members (Anthony Redmond, J. Bertram King, Thomas O. McCurry, Roger Lyda, and J. Don Lane) 119

Park and Recreation Department - invitation to circus 120

Planning and Zoning Commission - recommendation re T. O. Youngblood Lease Housing Project site plan 120

Petition - water - Candler section 121

Police Conduct - complaint 121

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 39 and 40, Sheet 7, Ward 4 - Eugene Smith) 122

Planning and Zoning Commission - amendment requested to Zoning Ofdinance (Lots 9-1/2, 9-3/4, Sheet 10, Ward 6 - B. C. Morton) 122

Police Court Solicitor - request for increase in salary 123

Prosser, Julian - introduced 123

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 7-1/4, Sheet 12, Ward 4) 124

Planning and Zoning Commission - recommendation (Lots 39 and 40, Sheet 7, Ward 4, Eugene Smith) 129

Planning and Zoning Commission - recommendation (Lots 41 through 43, Lots 46 through 56, Ward 6, Sheet 8, and the rear of Lots 427 and 428, Sheet 4, Ward 6 - J. V. Shoemaker 129

PAGE

Planning and Zoning Commission - recommendation (Lots 117, 118, 119, 119½, 123, 123½, 125 and 126, Sheet 26, Ward 7 - B. F. Carter) 129

Planning and Zoning Commission - recommendation (Lots 9-1/2, 9-3/4, Sheet 10, Ward 6, B. C. Morton, Sr.) 129

Prismo Universal Corp - awarded bid for paint striping machine 130

Plat - Holly Ridge - approved 131

Police Department - photographic equipment recommended 131

Property taxes - to be reduced - if one per cent sales tax adopted 132

Public Service Co. of N. C., Inc. - awarded bid for heating city garage 133

Planning and Zoning Commission - request that zoning ordinance be amended (Lots 16½, 17, 18, Sheet 3, Ward 2, Murray B. Chidester) 134

Phillips Petroleum Company - amended lease 135

Planning and Zoning Commission - recommendation (Lots 117, 118, 119, 119½, 123, 123½, 125 and 126, Sheet 26, Ward 7, B. F. Carter) 137

Planning and Zoning Commission - recommendation (Lots 7-1/4, 8 and 9, Ward 4, Sheet 12, James C. Elliott, Jr. and others) 137

Pullen, A. M. & Company, chosen as Auditor 144

Pisgah View Apartments - Tenants Association - complaint about police 144

Police - complaint about - Pisgah View Apartments Tenants Association 144

Planning and Zoning Commission - request for amendment to zoning ordinance (Lots 2 and 9, Sheet 11, Ward 7 - Evelyn K. Ness) 146

Planning and Zoning Commission - request for amendment to zoning ordinance (Lots 117, 118, 119, 119¾, 120¾, 121¾, 122¾, 123, 124, 125, 126, 123¾, and 145, Sheet 26, Ward 7 - B. Fletcher Carter) 146

Plat - C. Hugh Boulden Subdivision - recommendation of Planning and Zoning Commission 146

Plemmons, T. H. Jr. - agreement concerning a 2 inch water line on Bradshaw Road 147

Planning and Zoning Commission - amendment requested to zoning ordinance (Lots 134, 135, 136, 137, 138, 138½, 139, 139½, Sheet 3, Ward 4 - Asheville Transit Authority 149

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 151, 7, 56, 150, 7-3/4, Sheet 22, Ward 9, Lots 1-3/4, 1, Sheet 23, Ward 9, S. D. Rocamora, agent 149

Plat - C. Hugh Boulden Subdivision - approved 149

Probation office - discussion re rent 150

Planning and Zoning Commission - recommendation (Non-profit museums) 154

Planning and Zoning Commission - recommendation (Request of B. Fletcher Carter 154

Planning and Zoning Commission - recommendation (Request of Asheville Transit Authority) 154

Planning and Zoning Commission - recommendation (Request of Murray Chidester) 154

Planning and Zoning Commission - recommendation (Property of R. L. Coleman, Tunnel Road 154

Planning and Zoning Commission - recommendation re site plan - A. Z. Rental Center and Nationwide Insurance Company 154

Planning and Zoning Commission - recommendation re plat Floyd S. Baldwin, Jr. and wife, Mildred O. Baldwin 154

PAGE

Plat approved - Mildred O. Baldwin and Floyd S. Baldwin, Jr. 154

Pfeiffer, William - appointed member of Recreation Board for Asheville 157

Public hearing rescinded - Coleman property, Tunnel Road 159

Plat - T. L. McCurry Subdivision - approved 160

Plat - Robinson Ridge Subdivision - approved 160,161

Plat - Camelot Subdivision - approved 161

Plat - T. O. Youngblood Lease Housing 164

Parking - West Asheville - discussion 166

Parking - West Asheville - report of City Manager 169

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Lots 2 and 9, Ward 7, Sheet 11, Mrs. Evelyn K. Ness) 170

Pullen, A. M. & Company, Certified Public Accountants - recommendations 171

Paving authorized - Beaver Drive, Courtney Avenue, Crestwood Lane, West Haith Drive, Pennsylvania Avenue and Russell Avenue 172

Pennsylvania Avenue - paving authorized 172

Planning and Zoning Commission - amendment requested to Zoning Ordinance (Avon Investment Co., Mary J. Poole and L. O. Huckaby, Inc. by L. D. Rocamora, agent) 173

Proclamation - Jaycees Week 173

Planning and Zoning Commission - appointment of member (John McDuffie) 174

Permit for public demonstration - granted by City Manager 175

Planning and Zoning Commission - recommendation (Robinson Ridge Subdivision, property of Pettigrew, Bryant and Oast, and property of Imperial Land Company) 176

Plat - Happy Valley Subdivision, Section III - approved 176

ABD 718

PAGE

"Q"

PAGE

ABH 341

AHA 662

QUIT-CLAIM DEEDS

		Lot	Sheet	Ward	PAGE
Donald Rhodes	189, 188 187 CERTIFICATE #336		20	Limestone Township	3
Redevelopment Commission	Property on Herman Avenue CERTIFICATE #337				138
Redevelopment Commission	Property on Livingston St. CERTIFICATE #338	37½, 37 3/4	11	4	138
W. H. Whitson and wife	Property on Sulphur Springs Road CERTIFICATE #339				138
Ruth B. Wilson	CERTIFICATE #340	79	11	4	157
Aileen Lipscombe	2, plat recorded in plat book 3, page 34 CERTIFICATE #341				168

PAGE

	PAGE
Redevelopment Commission of the City of Asheville - resignation of Joe R. Sternberg	1
Redevelopment Commission - Dr. Otis Michael proposed as member)	16
Redevelopment Commission - member appointed (Dr. Otis Michael)	17
Recreation Board for Asheville - appointment of member (Gene S. Wike)	23, 24
Redevelopment Bond Anticipation Notes - authorized	36
Real estate developers - streets - building permits - discussion	41
Robinson, C. LeRoy - appointed member of Metropolitan Sewerage District Board	45
Recreation Board for Asheville - appointment of member (Dr. Wayne Montgomery)	45
Richmond Hills Golf Course - survey - B. S. Colburn & Co. employed	45, 46
Recruiting trip - report of City Manager	46
Rocky Mount, City of - resolution commending Ernest J. Ward, Jr.	51
Referendum - amendments proposed to City Charter	58
Referendum - amendments proposed to City Charter	59
Rogers Plumbing & Heating Company - awarded contract replace coal-fired boiler and replace with gas, Fire Department on Merrimon Avenue	63
Reece, Bonnie Louise Reece and James C. - application for billiard hall approved	69
Roda, Peter L. - oath of office as Solicitor of Police Court	85
Recreation Park swimming pool - to be opened for 1969 season	88
Rice, J. T. - appointed member of Civil Service Board	92
Rumbough Place - petition to be made one-way street	94
Redevelopment Bond Anticipation notes $700,000	95
Redevelopment Bond Anticipation notes - form of	95, 96
Rankin, Mason - resolution of appreciation to be drawn	98
Rankin, Mason - resolution of appreciation and condolence	98
Redevelopment Commission of the City of Asheville - discussion re appointment of member	101
Recreation Board for Asheville - appointment of members (David H. Cheadle, Mrs. James Westall and Lonnie Gilliam)	102
Redevelopment Commission of the City of Asheville - appointment of member (Jesse Ray)	102
Ray, Jesse - appointed member of Redevelopment Commission of the City of Asheville	102
Redevelopment Commission - accept proposal submitted by Register & Cummings	102
Redevelopment Commission - position re Civic Arts Center	109
Redmond, Anthony - appointed member of Planning and Zoning Commission	119
Ray, Lawrence A. - appointed member of Board of Electrical Examiners	119
Roadside dump - rubbish - complaint	119
Racial problems - statement of Councilman Crouch	136, 137
Redevelopment bond anticipation notes	140
Riverside Cemetery - discussion	150
Rental, A. Z. Center and Nationwide Insur ance Company - site plan	154
Recreation Board for Asheville - appointment of member (William Pfeiffer)	157
Robinson Ridge Subdivision - plat approved	160,161
Retarded Children Week - proclamation	162
Robinson, Robert C. - appointed member of Asheville Transit Authority	163
Redevelopment Commission - amendment #3 to Civic Redevelopment Project N. C. R-13 - approved	166
Redevelopment Commission - authorized to sell Parcel #23 of Civic Redevelopment Project N. C. R-13 to Bank of Asheville	166
Redevelopment Commission of the City of Asheville - appointment of member (Jesse Ray)	171
Ray, Jesse - appointed member of Redevelopment Commission of City of Asheville	171
Russell Avenue - paving authorized	172
Recreation Park Swim Club - presents deed for swimming pool to city	173
Recreation Board for Asheville - appreciation for deed for swimming pool	173

	PAGE
Streets - Gudger Street - request to close portion	1
Sternberg, Joe R. - resignation as member of Redevelopment Commission	1
State Highway Commission - agreement re Project W. O. 9.7130204	3
Streets - request to close portions of Spruce, Vance, Oak, South Liberty, Central, Woodfin Place, Woodfin, College Park Place (including one expressway ramp and certain alleys in Re-Development Project N. C. R-13) - request to close	4
Spruce Street - request to close portion	
Streets - resolution setting date of public hearing on request to close portions of Spruce, Vance, Oak, South Liberty, Central, Woodfin Place, Woodfin, College Park Place (including one expressway ramp and certain alleys in Redevelopment Project N. C. R-13)	5
Spruce Street - resolution setting date of public hearing on request to close	5
South Liberty Street - request to close portion	4
South Liberty Street - resolution setting date of public hearing on request to close	5
Shopping Center U. S. Highway 74 - buffer zone - petition - discussion - motion	6
Sylva, City of - lease to City of Asheville of one crash fire truck	8
Systematic Housing Code Compliance Program - resolution establishing	8
Signs - resolution of Keep Asheville Beautiful Committee	16
Streets - resolution closing portion of Gudger Street	17
Streets - resolution closing portion of Buttrick Street	17
Streets - resolution closing portions of Spruce, Vance, Oak, South Liberty, Central Avenue, Woodfin Place, Woodfin Street, College Park Place (including one expressway ramp and certain alleys in Redevelopment Project N. C. R-13)	17
Spruce Street - resolution closing portion	17
South Liberty Street - resolution closing portion	17
South Depot Street - relocation	19
Site plan - Burger King Corporation - public hearing set	21
Site plan - Housing Authority, NC Project 7-5 Sites 1 and 2 - approved	21
State Highway Commission - agreement re Project 8.19069 (8.3023203)	25
Springtime Subdivision - Part A, Section III - Plat approved under Ordinance 424	27
Sorrells & Swan - awarded contract for pick-up truck	33
Streets, Wilburn Place - traffic - discussion	34
Site Plan - Burger King Corporation - approved	35
Streets - Wilburn Place - report of City Manager	36
Shaw, Alan H. - appointed member of Municipal Board of Elections	40
Streets - real estate developers - building permits - discussion	41
Smith Circle Subdivision - plat approved	44, 45
Sinking Fund Commission for Buncombe County - appointment of member (Bretney Smith)	45
Smith, Bretney - appointed member of Sinking Fund Commission for Buncombe County	45

	PAGE
Street paving authorized - Bethesda Road, Buchanan Road, Church Road, Harnett Street, Irving Street, Killian Lane, Merion Drive, Oak Hill Drive, Powers Drive, unnamed alley running off Oakley Road, alley running from French Broad Avenue to Ora Street, and alley running west from Ambler Road	46
Suburban Coach Lines - Asheville Transit Authority recommends purchase of	50
Suburban Coach Lines - lease and option to purchase	50
"Sullivan Act" - resolution asking for repeal	52
State Highway Commission - resolution authorizing payment of damages by City in event of city's delay in meeting certain specified alternate 16-inch water line installation dates	52
Sinclair Oil Corporation - awarded bid for gasoline	52
Snow removal - commendation of city departments	52
State Highway Commission - resolution authorizing payment of damages by city in event of city's delay in completing installation of 6-inch water line	54
Shipman - Gordon A. - application for license to operate billiard hall - denied	55
Schell, John Q. - reappointed member of Asheville School Board	56
Starnes, Hal - resignation as member of Asheville Transit Authority	57
Stinnette , Charles R. Co. - awarded bid for summer uniforms and Police and Fire Departments	57
Sales tax - resolution - amendment to House Bill 218	59
Sullivan Act - resolution requesting deferment on request to repeal	59
Summer work for students - program to be started	60
State Highway Commission - condemnation funds, Westgate Corporation - disposition of	63
Surplus property, city garage - to be sold	63
Subdivision legislation - Buncombe County exempt - motion to delete Buncombe County	66
Sternberg & Company - awarded bid for surplus property at city garage	71
Stumptown delegation - request removal of junk autos and litter	71
Smith, Mrs. Betty R. - elected to Model City Commission	71
Stumptown delegation - further request for removal of abandoned houses, junk autos and litter - discussion	76
Streets - Greendale Avenue - petition to close	78
Streets - Greendale Avenue - resolution setting date of public hearing on petition to close	78
Salaries of city employees - remain same	85
Sternberg, Jerry Co. - awarded bid for 11 buses	92
Southern Railway Company - right-of-way for water pipe line under tracks	93

	PAGE
Streets - Rumbough Place - petition to be made one-way	94
Sprinkle, Mrs. Wesley - complaints	94
Salley Sumner Subdivision - plat approved by Planning and Zoning Commission	97
Streets - Greendale Avenue - resolution closing as public street	97
Streets - Merrimon Avenue - plan to improve flow of traffic	98
Site Plan - Western Carolina Corporation - approval requested	100
Saunooke, Thomas E. - appointed member of Boxing and Wrestling Commission	102
Stoker, Mrs. Lawrence C. - appointed member of Library Board	102
Stewart, Jack - appointed member of Housing Authority of the City of Asheville	103
Site plan - 30-unit lease housing project, developer T. O. Youngblood - off Sterling Street - referred to Planning and Zoning Commission	104
Substitute Judge of Police Court - Loren D. Packer appointed	104
Springtime Subdivision, Section II - plat approved	107
Sanitation - cleaning up of trash - discussion	113
Salary - City Manager - protest of Miss McCoy	114
Simmons, L. B. - appointed member of Board of Examiners of Motion Picture Operators	119
Site Plan - T. O. Youngblood Lease Housing Project - recommendation of Planning and Zoning Commission - public hearing authorized	120
Sign - Hiawassee Street - request for permit	121
Street light - 90 Millbrook Road	121
Salaries - discussion by Miss McCoy	121
Sign - Hiawassee Street - permit granted	122
Solicitor of Police Court - request for salary increase	123
Storm drain stopped up - report of	123
Subdivision ordinance - amendment requested by Ridgley Robinson	124
Site Plan - T. O. Youngblood lease housing project - public hearing - plat approved	127, 128
Site Plan - T. O. Youngblood lease housing project - motion amended	128
South Grove Street - drainage problem	128
South Grove Street - drainage problem	130
Sanco Corporation - awarded bid for leaf loader	130
Sales tax - discussion	131
Storm sewer - 119 Flint Street	131
State Highway Commission - contract with for maintenance of traffic control devices on State System streets in city	133
South Grove Street drainage problem	134
South Grove Street and Silver Street drainage problem	134
Site Plan - Mountainside Apartments - recommendation of Planning and Zoning Commission	137, 138
Stradley, Florence B. Tot Lot Program	138, 139
Sewer and water line extension - policy - proposed resolution	148
South Grove Street - drainage problem	148
Sewer and water line extension - policy - discussion	149
SKF Industries - agreement for fire protection	149
South Grove Street - drainage problem	150
South Grove Street - drainage problem - report of Health Department	151
Site plan - Mountainside Apartments - approved	152
Sewer and Water connection charges - resolution revising - action postponed	153
Smith, Tom C. - agreement re water line	153
Site plan - A. Z. Rental Center and Nationwide Insurance Company	154
Smith, Dan - eats half of editorial	154
Sewer and water line extension policies - resolution	156
State Highway Commission - agreement	157
State Highway Commission - urged to complete widening highway 25 between Parkway and Airport Road	159
Sewage problem, 45 Hamilton Street	162
Site plan - A.-Z Rental and Nationwide Insurance Company - approved	162
State Highway Commission - urged to save trees involved in Project 9.7130203	163
Sunday closing	164
Site plan - Asheville Mall - public hearing set	165
Service pins - awarded to city employees with thirty years or more service	166
South Grove Street - parked car	167
Sunday observance law - discussion	168
Switchboard service - emergency	170
Snow removal - discussion	170
Site plan - Asheville Mall - approved	170
Spicer, John W. - appointed as member of Board of Trustees of Firemen's Relief Fund	171
School desegregation - protest	172
Street paving authorized - Beaver Drive, Courtney Avenue, Crestwood Lane, West Haith Drive, Pennsylvania Place and Russell Avenue	172
Street light requested - Nevada Ave.	175
Sheraton Motor Inn - request for sign permit	176
Sanitary Landfill - use of by private operators	177
Sheraton Motor Inn - request for sign permit	177
Sick leave and annual leave	178
Sanitary landfill - use of by private operators	178
Symms, Ernest L. - complaint	179

	PAGE
Traffic, taxes, insurance premiums - discussion	24
Taxes - discussion - Miss McCoy	26
Television - request of Thoms Broadcasting Companies	35
Television - resolution allowing collection of installment charges on monthly basis	35
Taylor, Richard M. - appointed member of Asheville Transit Authority	36
Telephone - one number for emergencies - discussion	36
Tunnel - Beaucatcher - discussion	36
Ticar Chemical, Inc. - bid awarded for chemicals for water supply	39
Traffic - request for additional funds for traffic counters	56
Transit Authority - resignation of Hal Starnes	57
Tax, 1% - resolution to amend House Bill 218	59
Tax - assessment ratio - resolution regarding establishment of	59
Television - resolution allowing collection of installation fee in installments indefinitely	75
Trash and litter - protest	80
Time limit on speakers	98
Taxes - protest	101
Terrell, Bob - appointed member of Boxing and Wrestling Commission	102
Thigpen - Luther - appointed member of Advisory Board for Asheville-Buncombe County Youth Council	102
Tessier, Mrs. Jack - appointed member of Advisory Board for Asheville-Buncombe County Youth Council	102
Traffic light requested - Valley & Beaumont	103
Traffic light - Valley & Beaumont - report of City Manager	111
Traffic signal - Patton Ave. at Haywood Road	121
Taxicab - rate increase requested	130
Tax - one per cent. sales tax - Council to reduce property taxes	132
Transportation, Department of - United States of America - resolution authorizing filing of grant	134
Tot lots - to be named in memory of Mrs. Florence Stradley	135
Tot Lot Program - Mrs. Florence B. Stradley	138, 139
Trash - Mountain and Clement Streets	150
Trash Dump - vicinity of North Bear Creek Road	150
Trash dump - vicinity of North Bear Creek Road	152
Transit Authority - resolution commending Norman Sultan	163
Transit Authority - appointment of member - Robert C. Robinson	163
Traber, Lawrence J. - appointed member of Western North Carolina Regional Air Pollution Board	171

AD 710

	PAGE
Urban Renewal - Civic Redevelopment Project N. C. R-13 - proposal to delete three acres north of Expressway - discussion	9
Urban Renewal - Civic Redevelopment Project N. C. R-13 - three acres north of Expressway to stay in project	11
Urban Renewal - petition - East Riverside Urban Renewal Project	12
Urban Renewal - sale of property in N. C. R-13 Civic Redevelopment Project to First Baptist Church	12
Urban Renewal - East Riverside - discussion	15
Urban Renewal - East Riverside - community center and fire station - architects invited to meeting	24
Urban Renewal - East Riverside - community center and fire station - architect chosen (T. Edmund Whitmire)	24
Urban Renewal - East Riverside - discussion	24
United Air Lines - amended contract being negotiated	34
Urban Renewal - Workable Program - request to be recertified	38
Urban Mass Transportation Administration - Grant Agreement	43
United States of America, Urban Mass Transportation Administration Agreement	43
United States of America - grant Agreement - Asheville Airport	70
Urban Renewal - sale of Parcel 13 in Civic Redevelopment Project N. C. R-13 to Metropolitan Hotel Company - approved	74
Urban renewal - East Riverside - discussion	93
Urban renewal - Redevelopment Bond Anticipation Notes $700,000	95
Urban renewal - form of Redevelopment Bond Anticipation and Auditorium notes	95, 96
University of North Carolina at Asheville Day	99
Urban renewal - discussion	99
Urban Renewal - Civic Redevelopment Project N. C. R-13 - resolution preventing sale of parcel No. 16, Plat Unit No. 1	100
Urban Renewal - Redevelopment Commission - accept proposal submitted by Register & Cummings	102
Urban Renewal - position of Redevelopment Commission re Civic Arts Center	109
United States of America - Grant Agreement - Asheville Airport - strengthening runway	129, 130
United States of America - Department of Transportation - resolution authorizing filing of grant	134
Urban Renewal - Civic Redevelopment Project N. C. R-13 - rescinding order to hold Parcel 16, Unit 1	158
Urban Renewal - Redevelopment Commission - amendment #3 to Civic Redevelopment Project N. C. R-13 - approved	166
Urban Renewal - Redevelopment Commission authorized to sell Parcel #23 of Civic Redevelopment Project N. C. R-13 to Bank of Asheville	166
United Fund - commendation to city departments	177

	PAGE
Vance Street - request to close portion	4
Vance Street - resolution setting date of public hearing on request to close	5
Veteran's Day Parade - Asheville Jaycees	13
Vance Street - resolution closing	17
Vanderbilt Apartments, Inc. - request that Director be appointed	19
Vanderbilt Apartments, Inc. - appointment of Director (Homer Brooks)	33
Vehicles - city owned - decals authorized	46
Vice-Mayor - election of	85
Vanderbilt Shirt Co., Inc. and Landry Ltd. Shirt Co., Inc. - agreement for fire protection	99
Veterans week - proclamation	150
Vanderbilt Shirt Company and Blue Jay Knitting Mills - installation of fire alarm system	168, 169

MICROFILMED RECORDS

"W"

	PAGE
Water - request of Buncombe County Commissioners	2
Water - resolution requesting Buncombe County Commissioners to make application for Federal funds	3
Workable Program for Community Improvement - notice must be recertified	4
Woodfin Place - request to close portion	4
Woodfin Place - resolution setting date of public hearing on request to close	5
Woodfin Street - request to close portion	4
Woodfin Street - resolution setting date of public hearing on request to close	5
Western North Carolina Regional Planning Commission - resignation of Weldon Weir	9
Weir, Weldon, resigns as member of Western North Carolina Regional Planning Commission	9
Western North Carolina Planning Commission - appointment of member - Phin. Horton, III	9
Water service and charges - petition - South Buncombe District	10
West Asheville Post Office - buffer zone - discussion	10
Water Department - Floyd J. Padgett appointed	14
Water Department - Analysis - discussion	15
Watershed--Bee Tree - cooperative recreation project - meeting to be held	14
Wage increase announced for certain city employees	14
West Asheville Post Office - buffer zone - discussion	16
Woodfin Place - resolution closing	17
Woodfin Street - resolution closing	17
West Asheville Post Office - buffer zone - report of City Manager	17
Water Department - investigation asked by Miss McCoy	17
Water charges - letter from W. T. Burr, Jr.	
Water charges and rates - discussion	20
Wike, Gene S. - appointed member of Recreation Board for Asheville	24
Whitmire, T. Edmund - selected as architect for community center and fire station - East Riverside	24
Water rates and charges - discussion	24
Watershed, Bee Teee - Blue Ridge Parkway, National Park Service - agreement	34
Wilburn Place - traffic - discussion	34
Wilburn Place - traffic - report of City Manager	36
Workable Program - request to be recertified	38
Weekly time of Council meetings changed	39
Water - bids for chemicals	39
Western North Carolina Regional Planning Commission - resignation of Dean Matthews as Director	39
Water Department - appreciation to work forces	40,41
Watershed, North Fork - resolution authorizing agreement correcting irregularities in property line	45
Water Dept. operation - report of City Manager	46
Wilson, James G. appointed member of Housing Authority of the City of Asheville	46
Watershed, North Fork - contract with Garland Autry	47
Wilson, Cary D. - appointed Manager of City Center	47
Water distribution system within Bent Creek Subdivision - resolution authorizing sale	50
Ward, Ernest Justice Jr. - employed as Director of Water and sewer service Billing Department	51
Ward, Ernest J. Jr. - resolution of City of Rocky Mount commending	51
Water rates and charges - resolution asking for repeal of "Sullivan Act"	52
Water line - resolution authorizing payment of damages to State Highway Commission in event of city's delay in meeting certain specified alternate dates	52
Water line - resolution authorizing payment of damages by city in event of city's delay in completing installation of 6-inch water line	54
Water Dept. - resignation of Jesse Jayne as Superintendent of Maintenance	55
Water taps outside city - ordinance to be prepared restricting	58
Water Department - introduction of Mr. Ward	58
Water Department - Mr. McCord	58
Water - request to defer action on requested repeal of Sullivan Act	59
Westgate Corporation - disposition of State Highway Commission condemnation funds	63
Water - Ted Snipes - discussion	64
Waddell, Mrs. Charles - appointed member of Keep Asheville Beautiful Committee	69
Water - Mrs. Hamlin - discussion	76
Water Department - G. A. Marsh	80
Westgate Corporation - agreement re disposition of State Highway Commission condemnation funds	84
Wachovia Bank & Trust Company - designated as depository of city funds	85
Water bills - protests	93
West Asheville Youth and Recreation Center, Inc. - presents deed to city for lot in back of West Asheville Community Center	93
Water bill - complaint of Matthew Tomlinson	94
Western Carolina Corporation - site plan - approval requested	100
Westall, Mrs. James - appointed member of Recreation Board for Asheville	102
Williams, Mrs. Don - appointed member of Advisory Board for Asheville-Buncombe County Youth Council	102
Wheeling Corrugating Company - awarded bid for corrugated metal culvert pipe	104
Wage increase - discussion	114
Water - repairs to North Fork dam necessary	121
Water bills - discussion	123

	PAGE
Warren Bros. and Asheville Paving Co. - awarded contract for strengthening runway at Airport	128
Water rate study - meeting set	128
Water bill - Preston Blakely - discussion	130
Water bill - Preston Blakely - discussion	133
Water bill complaints	134
Water Bills - Charles E. Young and Ethel Lee Harrison	135
Water line - T. H. Plemmons, Jr.	147
Water and sewer line extension - policy - proposed resolution	148
Western North Carolina Regional Air Pollution Board - proposed	148
Water and sewer line extension - policy - discussion	149
Water and sewer connection charge - resolution revising, action postponed	153
Western North Carolina Regional Air Pollution Board - action postponed on proposal	152
Water line - agreement with Tom C. Smith	153
Water line - agreement with Floyd S. Baldwin and wife	155
Water line - agreement with C. Fred Brown	155
Water and sewer line extension policies - resolution	156
WNC Regional Air Pollution Commission - resolution	157
Water Department - compliment	159
Ward - appointed as Director of Finance	162
Workable Program and Housing Element - request for recertification	166
Western North Carolina Regional Air Pollution Board - appointment of member (Lawrence J. Traber)	171
West Haith Drive - paving authorized	172
West Asheville Bridge - request for new structure	173
Water - frozen pipes - discussion	173
West Asheville Bridge - letter from State Highway Commission	177
Water - frozen pipes - discussion	177
Water - cost of repairing frozen water lines	178
Water rates - discussion	178

PAGE

"X"

PAGE

	PAGE
Youth Council - request of Girl Scouts	56
Youngblood, T. O. - site plan for housing project - recommendation of Planning and Zoning Commission - public hearing authorized	120
Youngblood, T. O. - discussion of site plan for Lease Housing Project	124
Youngblood, T. O. - site plan - public hearing - site plan approved	127, 128
Youngblood, T. O. - site plan - motion amended	128
Youngblood, T. O. Lease Housing Project - plat approved	164

PAGE

	PAGE
Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 7 and 56, Sheet 22, Ward 9, Fred Pearlman for Avon Investment Associates)	1
Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 1 3/4 and 391, Sheet 28, Beaverdam Ward - Richard L. Coleman for L. O. Huckaby)	1
Zoning ordinance - recommendation of Planning and Zoning Commission - buffer requirement requested by R. L. Coleman)	2
Zoning ordinance - recommendation of Planning and Zoning Commission - Visibility at Intersections	2
Zoning - buffer zone - discussion	4
Zoning ordinance - amendment requested - property in Civic Redevelopment Project N. C. R-13	4
Zoning Ordinance 525 - request to be amended (Richard L. Coleman)	4
Zoning Ordinance - request to amend (Lot 4 1/4, Sheet 22, Ward 9 - Thomas J. Parker	6
Zoning Ordinance - request to amend (Lot 1 3/4, Sheet 18, Ward 2 - R. J. Gardner	7
Zoning Ordinance - recommendation of Planning and Zoning Commission re rezoning Civic Redevelopment Project N. C. R-13	7
Zoning ordinance - request to amend (Lots 1 3/4 and 391, Sheet 28, Beaverdam Ward - R. L. Coleman for L. O. Huckaby	9
Zoning ordinance - recommendation of Planning and Zoning Commission (Lot 1/34 , Sheet 18, Ward 2 - R. J. Gardner	12
Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 1 3/4 and 391, Sheet 28, Beaverdam Ward - R. L. Coleman for L. O. Huckaby)	13
Zoning ordinance - amendment requested (Lots 7 8 1/4, 9, 10, 9 1/4, 10 1/4, 6 1/4, 6 1/2, 8, 8 1/2, Sheet 14, Ward 5; Lots 1, 56 1/2, 63, 56, 57, 58, 59, 60, 61, 62, Sheet 9, Ward 5)	20
Zoning Ordinance - recommendation of Planning and Zoning Commission (Lots 1-3/4, and 391, Sheet 28, Beaverdam Ward, R. L. Coleman)	20, 21
Zachary, Mrs. Kay - appointed Deputy Clerk of Police Court	23
Zoning ordinance - recommendation of Planning and Zoning Commission (Lot 4 1/4, Sheet 22, Ward 9 , Thomas J. Parker)	26
Zoning ordinance - amendment requested (Portion of Lot 242, Sheet 13, Ward 8 - Clyde B. Braboy)	27
Zoning ordinance - amendment requested (Lots 313, 314, 315, 318, 319, 356, 232, Sheet 16, Ward 6	26
Zoning ordinance - amendment requested - (Lot 64, Sheet 5, Ward 2, Bruce J. Brown	44
Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 313, 314, 315, 318, 319, 356, 232, Sheet 16, Ward 6, George E. Cowan)	44
Zoning ordinance - recommendation of Planning and Zoning Commission (Portion of Lot 242, Sheet 13, Ward 8, Clyde E. Braboy)	44
Zoning ordinance - amendment requested - portion of Lot 174-1/4, Sheet 16, Ward, Frank Parker - additional 125 feet of Lot 174, Sheet 1y, Ward - Mrs. McLeod Patton	46
Zoning ordinance - amendment requested (Lot 284, Sheet 12, Ward 5)	55
Zoning ordinance - recommendation of Planning and Zoning Commission (elimination of commercial parking lots from residential areas)	55
Zoning ordinance - amendment requested (Lots 16½, 17 and 18, Sheet 3, Ward 2 - Bruce J. Brown)	56
Zoning ordinance - amendment requested (51.0 acres proposed to be annexed by Lawrence J. Traber)	56
Zoning ordinance - recommendation of Planning and Zoning Commission (Lot 64, Sheet 5, Ward 2 - Bruce Brown)	56
Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 174 and 174½, Sheet 16, Ward 2 - Patton and Parker)	57
Zoning ordinance - amendment requested (Saint Dunstan Road, Saint Dunstan Circle, Roebling Circle, Sterling Street and Grindstaff Place	64
Zoning Ordinance - recommendation of Planning and Zoning Commission (Lot 284, Sheet 12, Ward 5)	64
Zoning ordinance, amendment requested (Lot 107-1/2, Sheet 8, Ward 9 - Booth-Barfield, Inc.)	71
Zoning ordinance - amendment requested East side of Grove Street (Pioneer Land Dev., Inc.)	76
Zoning ordinance - requested that ordinance be drawn (Saint Dunstan Road, Saint Dunstan Circle, Roebling Circle, Sterling Street and Grindstaff Place)	80
Zoning - Saint Dunstan's Circle, St. Dunstan's Street neighborhood - protest of T. O. Youngblood	80
Zoning - Saint Dunstan's Circle, St. Dunstan Road, etc. - public hearing	89
Zachary, Mrs. Kay - appointed Deputy Clerk of Police Court	92
Zoning ordinance - recommendation of Planning and Zoning Commission - Saint Dunstan's Circle neighborhood	97
Zoning ordinance - recommendation re Lot 107-1/2, Sheet 8, Ward 9	97
Zoning ordinance - recommendation re east side of Grove Street	97
Zoning - Saint Dunstan Road area - discussion	97
Zeugner, H. H. - appointed member of Advisory Board for Asheville-Buncombe County Youth Council	102
Zoning ordinance - amendment requested Lots 65 thru 69, Sheet 5, Ward 2, W. F. Algary; Lot 64, Sheet 5, Ward 2, Bruce J. Brown, agent	112
Zoning ordinance - amendment requested (Lots 117, 118, 119, 119½, 123, 123½, 124, 125, 126, Sheet 26, Ward 7, Carter)	115
Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 65 thru 69, Sheet 5, Ward 2, W. F. Algary; Lot 64, Sheet 5, Ward 2, Bruce J. Brown)	115
Zoning ordinance - amendment requested (Lots 39 and 40, Sheet 7, Ward 4 - Eugene Smith)	122
Zoning ordinance - amendment requested (Lots 9-1/2, 9-3/4, Sheet 10, Ward 6 - B. C. Morton)	122
Zoning ordinance - amendment requested (Lots 7-1/4 and 9, Sheet 12, Ward 4	124
Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 39 and 40, Ward 4, Sheet 7 - Eugene Smith)	129

	PAGE
Zoning ordinance - recommendation of Planning and Zoning Commission of Lots 41 through 43, Lots 46 through 56, Ward 6, Sheet 8, and the rear of Lots 426, 427 and 428, Sheet 4, Ward 6 - J. V. Shoemaker	129
Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 117, 118, 119, 119½, 123, 123½, 125 and 126, Sheet 26, Ward7, B. F. Carter)	129
Zoning Ordinance - recommendation of Planning and Zoning Commission (Lots 9-1/2, 9-3/4, Sheet 10, Ward 6, B. C. Morton, Sr.)	129
Zoning ordinance - request to be amended - Lots 16½, 17, 18, Sheet 3, Ward 2 - Murray B. Chidester	134
Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 117, 118, 119, 119½, 123, 123½, 125, and 126, Sheet 26, Ward 7, B. F. Carter)	137
Zoning ordinance - recommendation of Planning and Zoning Commission (Lots 7-1/3, 8 and 9, Ward 4, Sheet 12, James C. Elliott and others)	137
Zoning ordinance - amendment requested (Lots 2 and 9, Sheet 11, Ward 7 - Evelyn K. Ness)	146
Zoning ordinance amendment requested (Lots 117, 118, 119, 119½, 120½, 121½, 122½, 123, 124, 125, 126, 123½ and 145, Sheet 26, Ward 7 - B. Fletcher Carter)	146
Zoning ordinance - amendment requested - Lots 134, 135, 136, 137, 138, 138½, 139, 139½, Sheet 3, Ward 4 - Asheville Transit Authority	149
Zoning ordinance - amendment requested - Lots 151, 7, 56, 150, 7-3/4, Sheet 22, Ward 9, Lots 1-3/4, 1, Sheet 23, Ward 9 - S. D. Rocamora, agent	149
Zoning ordinance - recommendation of Planning and Zoning Commission - non-profit museums	154
Zoning ordinance - recommendation of Planning and Zoning Commission (request of B. Fletcher Carter)	154
Zoning ordinance - recommendation of Planning and Zoning Commission (Request of Asheville Transit Authority)	154
Zoning ordinance - recommendation of Planning and Zoning Commission (Request of Murray Chidester)	154
Zoning ordinance - recommendation of Planning & Zoning Commission (property of R. L. Coleman, Tunnel Road)	154
Zoning - Coleman property Tunnel Road - public hearing rescinded	159
Zoning ordinance - amendment requested (Lots 2 and 9, Ward 7, Sheet 11, Mrs. Evelyn Ness)	170
Zoning ordinance - amendment requested (Avon Investment Co., Mary J. Poole and L. O. Huckaby, Inc. by L. D. Rocamora, Agent	173
Zoning ordinance - recommendation of Planning and Zoning Commission (Robinson Ridge Subdivision, property of Pettigrew, Bryant and Oast, and property of Imperial Land Company	176

Thursday, September 5, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 5, 1968 at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Dr. Robert P. Crouch, F. M. Mulvaney, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

GUDGER STREET - REQUEST TO CLOSE

A letter was received from George Zourzoukis requesting that the northernmost portion of Gudger Street be closed.

The City Manager advised that it would be necessary to hold a public hearing on this matter, and it was referred to him for the preparation of the proper resolution.

REDEVELOPMENT COMMISSION OF THE CITY OF ASHEVILLE - RESIGNATION OF JOE R. STERNBERG

A letter was received from Joe R. Sternberg resigning as a member of the Redevelopment Commission of the City of Asheville.

This resignation was accepted with regret, and the City Clerk was directed to write and express to Mr. Sternberg the Council's appreciation for his service on said Commission.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lots 7 and 56, Sheet 22, Ward 9 - Fred Pearlman for Avon Investment Associates)

A letter was received from the Planning and Zoning Commission recommending no change in the requested rezoning of Lots 7 and 56, Sheet 22, Ward 9 by Fred Pearlman for Avon Investment Associates.

September 5, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held September 4, 1968, the following action was taken on the request of Fred Pearlman for Avon Investment Associates:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied and that the property remain as it is now zoned.

Respectfully,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR/nr

Councilman Sumner stated he would like to know why this request was denied.

The above letter was received as information by the Council.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lots 1 3/4 and 391, Sheet 28, Beaverdam Ward, R. L. Coleman, agent for L. O. Huckaby)

A letter was received from the Planning and Zoning Commission recommending no change in the zoning of Lots 1 3/4 and 391, Sheet 28, Beaverdam Ward as requested by Richard L. Coleman, agent for L. O. Huckaby.

September 5, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held September 4, 1968, the following action was taken on the request of R. L. Coleman for L. O. Huckaby:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied and that the property remain as it is now zoned.

Respectfully,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR/nr

This letter was received as information by the Council.

ZONING ORDINANCE - RECOMMENDATION
OF PLANNING AND ZONING COMMISSION
(Buffer requirement requested by
R. L. Coleman)

A letter was received from the Planning and Zoning Commission regarding the buffer requirement, amendment to which was requested by R. L. Coleman, setting forth the intention of the Planning and Zoning Commission in regard to this requirement.

September 5, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

In response to the request of City Council that the Commission study and make a recommendation on the R. L. Coleman petition to amend Ordinance 525 regarding the buffer requirement, the Commission unanimously passed the following motion at its regular meeting on September 4, 1968:

"By the recommendation of the Planning and Zoning Commission on July 19, 1965, which was the basis for the passage of Ordinance 525, it was the intention of the Planning and Zoning Commission to recommend to the City Council that a 50 foot buffer zone be maintained along the residential property abutting the property to be rezoned in accordance with the provisions of Section 9 of the Zoning Ordinance, and more particularly, Paragraph C. 4. Subsections (d) and (e) and that the year-round screen planting required by such sections be disclosed to and meet with the approval of the City Council."

Respectfully,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR/nr

There was a discussion by members of the Council, and the letter was accepted as information.

ZONING ORDINANCE - RECOMMENDATION
OF PLANNING AND ZONING COMMISSION
(Visibility at Intersections)

A letter was received from the Planning and Zoning Commission recommending that the Zoning Ordinance be amended to include a section on Visibility at Intersections.

September 5, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, North Carolina

Subject: Request of City Council dated August 16, 1968, that the Commission study and recommend action on blind and hazardous street intersections.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held September 4, 1968, the Commission unanimously adopted the recommendations of the planning staff regarding amending the zoning ordinance to permit Visibility at Intersections.

Ten (10) copies of this recommendation (and attached sketch) are enclosed for your consideration.

Respectfully,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR/nr
Enclosures

RECOMMENDATION:

Visibility at Intersections. On a corner lot in any residential district no planting shall be placed or maintained, and no fence, building, wall or other structure shall be permitted to exist after the effective date of these regulations, if such planting or structure thereby obstructs vision at any point between a height of two (2) feet and a height of ten (10) feet above the upper face of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on two sides by the two street lines, or by projection of such lines to their point of intersection, and on the third side by a straight line connecting points on such street lines (or their projections) each of which is 30 feet distant from the point of intersection of the street lines. Poles, posts, and guys for street lights and for other utility services, and tree trunks exclusive of leaves and branches, shall not be considered obstructions to vision within the meaning of this provision.

The recommendation of the Planning and Zoning Commission was accepted, and the City Clerk was authorized to give notice of a public hearing to be held on same, at which time an ordinance complying with the recommendation would be presented.

WATER - REQUEST OF BUNCOMBE COUNTY
COMMISSIONERS

A letter was received from the Buncombe County Board of Commissioners requesting the City of Asheville to pass a resolution requesting the Buncombe County Commissioners to make an application for a Community Facilities loan for the purpose of making an engineering study to provide an abundance of high quality water for Buncombe County including the City of Asheville.

DDB082

ORDINANCE NO. 605 - AN ORDINANCE AMENDING
ORDINANCE #322, KNOWN AS "AN ORDINANCE
PROVIDING FOR THE ZONING OF THE CITY OF
ASHEVILLE", AS AMENDED

Ordinance No. 605, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

WATER - RESOLUTION REQUESTING THE
BUNCOMBE COUNTY COMMISSIONERS TO
MAKE APPLICATION FOR FEDERAL FUNDS

Councilman Morgan introduced a resolution requesting the Buncombe County Commissioners to make application for Federal Funds to improve the water supply, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 209.

STATE HIGHWAY COMMISSION - AGREEMENT
RE PROJECT W. O. 9.7130204

The City Manager explained the provisions of a resolution authorizing an agreement with the State Highway Commission regarding Project W. O. 9.7130204, Buncombe County.

The following resolution was offered by Councilman Sumner and a motion was made by Councilman Sumner that it be adopted; this motion was seconded by Councilman Crouch, and upon being put to a vote, was unanimously carried;

WHEREAS, the State Highway Commission has prepared and adopted plans to make certain street and highway improvements within the City of Asheville consisting of the construction and improvement of U. S. Highway 25, as shown on the plans of Project W. O. 9.7130204, Buncombe County; said project having a right of way width as shown on the plans of Project W. O. 9.7130204, Buncombe County, as filed with the State Highway Commission in Raleigh, North Carolina; that said project is considered to be a most necessary improvement in the street and highway system within the corporate limits of this Municipality for the promotion of public safety and convenience; and,

WHEREAS, in the plans and proposals of said improvement, it is provided that this Municipality cooperate with the State Highway Commission to the extent of:

(1) Exercising any rights which it may have under any franchise to effect the changing, adjusting or relocating of telephone, telegraph, electric power lines, underground cables and gas lines or any privately or publicly owned utilities without expense to the Commission and without cost or obligation to the Commission, shall lay, change, relay, repair and otherwise adjust any municipally owned electric lines, water, sewer, gas or other pipelines or conduits, and shall make all necessary adjustments to house or lot connections or services lying within the right of way of Project W. O.9.7130204, which are owned by the Municipality or by others. Except the Commission will, in accordance with Section 307-3.3 of the Standard Specifications for Roads and Structures, have vertical adjustments of two feet or less in the existing manholes, valve boxes and meter boxes encountered within the limits of the project, made at its own expense, and the Commission will reimburse the Municipality in accordance with the Municipal Owned Utility Policy of the Commission contained in the official minutes of the July 2, 1964, meeting of the Commission, which policy is incorporated herein by reference.

(2) Entering into an agreement with the State Highway Commission as to establishing and maintaining traffic operating controls for the regulation of movement of traffic on said project.

NOW, THEREFORE, BE IT RESOLVED that Project W. O. 9.7130204, Buncombe County, be and it is hereby formally approved by the City Council of the City of Asheville, and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and executed the required Agreement between this Municipality and the State Highway Commission.

This resolution was passed and adopted the 5th day of September, 1968.

Complete copy of resolution will also be found in Resolution Book #5 at page 210.

BANK OF ASHEVILLE -
RESOLUTION RELATING TO
DEALINGS

Councilman Algary introduced a resolution relating to dealings with the Bank of Asheville, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 211.

FIRST UNION NATIONAL BANK OF
NORTH CAROLINA - RESOLUTION
RELATING TO DEALINGS

Councilman Morgan introduced a resolution relative to dealings with First Union National Bank of North Carolina, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 212.

QUIT-CLAIM DEED - DONALD
RHODES

Councilman Crouch introduced a resolution authorizing Mayor to execute quit-claim deed to Donald Rhodes, which was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 213.

ADVISORY BOARD FOR ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL - APPOINTMENT OF MEMBERS (Miss Julia A Capps and William F. Hart)

Councilman Mulvaney introduced a resolution appointing members of Advisory Board for the Asheville-Buncombe County Youth Council, which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 214.

WORKABLE PROGRAM FOR COMMUNITY IMPROVEMENT - NOTIFICATION MUST BE RECERTIFIED

The City Manager advised that the Mayor had received notification from the Department of Housing and Urban Development that the Workable Program for Community Improvement for the City of Asheville should be submitted by November 1, 1968 and must be approved by December 1st.

LEAGUE OF MUNICIPALITIES - ANNUAL MEETING

The City Manager called the Council's attention to the annual meeting of the North Carolina League of Municipalities which will be held in Charlotte October 31st through November 1st, and encouraged members of the Council to attend.

ZONING - BUFFER ZONE

Mr. Paul Muscarella of 67 White Pine Drive inquired about the letter received from the Planning and Zoning Commission regarding buffer zones, and was advised that the Planning and Zoning Commission had recommended no change.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, September 12, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 12, 1968 at 4:00 o'clock P. M. with Mayor E. W. Eller presiding.. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, Dr. Robert P. Crouch, J. W. McRary, T. B. Sumner, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

BUS SERVICE - SUNDAYS AND HOLIDAYS

A letter was received from William B. House requesting bus service on Sundays and holidays.

This request was referred to the City Manager

ZONING ORDINANCE - AMENDMENT REQUESTED - Civic Redevelopment Project N. C. R-13

A letter was received from the Redevelopment Commission requesting the rezoning of certain areas in Civic Redevelopment Project N. C. R-13.

This request was referred to the Planning and Zoning Commission for study and recommendation.

PATTON AVENUE - ACCESS HIGHWAY

A petition, signed by a number of businessmen in West Asheville, was received requesting the City and the State Highway Commission to leave intact and undisturbed the present access to and from Patton Avenue within the ten hundred block.

This request was referred to the City Manager

SPRUCE STREET, VANCE STREET, OAK STREET, SOUTH LIBERTY STREET, CENTRAL AVENUE, WOODFIN PLACE, WOODFIN STREET, COLLEGE PARK PLACE, EXPRESSWAY RAMP, AND CERTAIN ALLEYS IN CIVIC REDEVELOPMENT PROJECT N. C. R-13 - REQUEST TO CLOSE

A letter was received from the Redevelopment Commission requesting the closing of portions of Spruce Street, Vance Street, Oak Street, South Liberty Street, Central Avenue, Woodfin Place, Woodfin Street, College Park Place, exit ramp for eastbound traffic between Central Avenue and Charlotte Street and certain alleys lying in Civic Redevelopment Project N. C. R-13.

ZONING ORDINANCE NO. 525 - AMENDMENT REQUESTED

A petition was received from Richard L. Coleman and wife requesting that Ordinance No. 525 be amended for establishment and maintenance of buffer zone after completion of grading and excavation.

This request was tabled for the time being.

ORDINANCE NO. 605 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 605, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 605

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the Neighborhood Trading Area zoning boundary line be extended twenty (20) additional feet to the rear of Lots 21 and 22, Sheet 5, Ward 7, and that the owner should put in screen planting to specification of the Planning and Zoning Commission to permit adequate buffering between the Neighborhood Trading Area and the adjacent RA-5 Residential District.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 29 day of August, 1968.

Robert P. Crouch
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 12 day of September, 1968, to become effective 27 day of September, 1968.

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

SPRUCE STREET, VANCE STREET, OAK STREET, SOUTH LIBERTY STREET, CENTRAL AVENUE, WOODFIN PLACE, WOODFIN STREET, COLLEGE PARK PLACE, EXPRESSWAY RAMP, AND CERTAIN ALLEYS IN CIVIC REDEVELOPMENT PROJECT N. C. R-13 - RESOLUTION SETTING DATE OF PUBLIC HEARING ON REQUEST TO CLOSE

Councilman Morgan introduced a resolution providing for a public hearing on request to close portions of Spruce Street, Vance Street, Oak Street, South Liberty Street, Central Avenue, Woodfin Place, Woodfin Street, College Park Place, the exit ramp for eastbound traffic which lies between Central Avenue and Charlotte Street, a twelve foot alley intersecting South Liberty Street, a ten foot alley intersecting Spruce Street, a twelve foot alley intersecting Spruce Street, a twelve foot alley intersecting the west side of Vance Street, a twelve foot alley intersecting the west side of Locust Street, a twelve foot alley intersecting the northern right-of-way of Woodfin Street, a twelve foot alley intersecting the southern right-of-way of Woodfin Street, and a ten foot alley intersecting the southern right-of-way of Woodfin Street, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5, at pages 215, 216.

BUTTRICK STREET - RESOLUTION SETTING DATE OF PUBLIC HEARING ON REQUEST TO CLOSE

Councilman Algary introduced a resolution providing for a public hearing on request to close Buttrick Street between the northern margin of Patton Avenue and Haywood Street and the North Carolina Commission's right-of-way for the Crosstown Expressway, which was, upon motion of Councilman Algary, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 217.

Councilman Sumner stated he thought in a street closing request the petitioners should pay the cost of the advertisement. The Council decided to take no action on this matter until next week.

GUDGER STREET - RESOLUTION SETTING DATE OF PUBLIC HEARING ON REQUEST TO CLOSE

Councilman Crouch introduced a resolution providing for a public hearing on request to close Gudger Street between the northern margin of Haywood Street and the North Carolina State Highway Commission right-of-way for the Crosstown Expressway, which was, upon motion of Councilman Crouch, seconded by Councilman Mulvaney, unanimously adopted.

DDB082

Complete copy of resolution will be found in Resolution Book 5 at page 218.

LEASE - OFF-STREET PARKING
(Hilda M. Moore, Helen M.
Moore and Mary Jane Moore

Councilman McRary introduced a resolution authorizing Mayor to execute lease with Hilda M. Moore, Helen M. Moore and Mary Jane Moore for operating off-street parking facility by city, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 219

BUDGET STATEMENT

The City Manager presented the budget statement for the City of Asheville for the period ending August 31, 1968.

PLANNING AND ZONING COMMISSION -
STATEMENT OF REASONING FOR DENYING
REQUEST FOR REZONING of Lots 1 3/4
and 391, Sheet 28, Beaverdam Ward,
R. L. Coleman, agent for L. O. Hickaby

The City Manager read a letter from Dean Matthews, Planning Director, giving the reasoning for the Planning and Zoning Commission's denial of the rezoning of Lots 1 3/4 and 391, Sheet 28, Beaverdam Ward, as requested by R. L. Coleman, agent for L. O. Huckaby.

SHOPPING CENTER LOCATED ON U. S.
HIGHWAY 74 - BUFFER ZONE - PETITION -
DISCUSSION - MOTION

The City Manager presented a petition to the Council by Richard L. Coleman and wife which stated that on July 1, 1968 a site development excavation plan for a proposed shopping center located on U. S. Highway 74 was submitted to the office of the City Manager; that the City Manager has failed to take action on said plan within forty-five days in that no excavation or grading permit has been issued by the City Manager; and asking that the site development excavation plan heretofore submitted to the City Manager be approved and that the City Council direct the City Manager to issue an excavation or grading permit to the petitioners.

The City Manager advised that he had inquired of Mr. Weir, the former City Manager, concerning this, and Mr. Weir had stated to him that he had no knowledge of any excavation plan, but did have knowledge of the site development plan.

The City Manager further advised that the Building Inspector's office had issued to Mr. Coleman a cease and desist order on July 3, 1968 until the ordinance was complied with.

The City Manager stated in view of this letter and the statement of Mr. Weir he placed the matter before the Council for determination.

Mr. Ward Hendon, attorney for Richard L. Coleman, spoke at length concerning this matter, and also requested the Council to set a date for a public hearing on the interpretation which was presented to the Council regarding Ordinance #525 at the previous meeting. Mr. Richard Coleman also spoke on the matter.

Councilman Algary discussed Ordinance #525, and stated it was his opinion that the ordinance established a 50 foot buffer zone and the word "inviolate" meant that the buffer zone could not be touched and no trees or undergrowth removed.

Mr. Charles G. Lee, representing the residents of Kenilworth whose property lies adjacent to the buffer zone, requested the Council to leave the buffer zone intact with no removal of trees or undergrowth. There were other speakers in this behalf, and also a letter from J. W. Byers, who was unable to be present at the meeting.

Following a lengthy discussion, Councilman Crouch moved that the excavation permit be granted providing the 50 foot buffer zone remains untouched in the grading and clearing, which motion was seconded by Councilman Algary.

Following another discussion the motion was put to a vote and was adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, September 19, 1968 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY CLERK

Thursday, September 26, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 26, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, C. E. Morgan, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT
REQUESTED (Lot 4 1/4, Sheet
22, Ward 9 - Thomas J. Parker)

A letter was received on behalf of Thomas J. Parker requesting the rezoning of Lot 4 1/4, Sheet 22, Ward 9.

This request was referred to the Planning and Zoning Commission for study and recommendation.

DDB082

ZONING ORDINANCE - AMENDMENT
REQUESTED (Lot 1 3/4, Sheet
18, Ward 2 - R. J. Gardner)

A request was received from R. J. Gardner that Lot 1 3/4, Sheet 18, Ward 2 be rezoned.

This request was referred to the Planning and Zoning Commission for study and recommendation.

PLANNING AND ZONING COMMISSION -
RECOMMENDATION RE REZONING CIVIC
REDEVELOPMENT AREA N. C. R-13

A letter was received from the Planning and Zoning Commission recommending the rezoning of Civic Redevelopment Area N. C. R-13 in accordance with Map URP-5, Sheet 2.

September 18, 1958

City Council
City Hall
Asheville, North Carolina

Subject: Rezoning Civic Redevelopment Area N. C. R-13

Dear Sir:

In response to your letter of September 13, 1968 for rezoning from the Redevelopment Commission of the City of Asheville, we are submitting herewith our report and recommendation.

The Planning and Zoning Commission at a meeting held December 11, 1967 adopted the following resolution:

Resolution Approving Redevelopment Plan Amendment Number 1,
By the City of Asheville Planning and Zoning Commission

WHEREAS, at a duly and legally called meeting of the City of Asheville Planning and Zoning Commission on the 11th day of December, 1967 there was presented to said Planning and Zoning Commission for review, a Redevelopment Plan for the project area entitled "Civic Redevelopment Project, Project Number N. C. R-13 Amendment 1" dated November, 1967, and

WHEREAS, the Planning and Zoning Commission has given due consideration to and finds as a fact that the proposed land uses and building requirements in the Redevelopment Project Area are designed with the general purpose of accomplishing in conformance with the general plan, a coordinated, adjusted and harmonious development of the community and its environs, which will in accordance with present and future needs promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation and public utilities, schools, parks, recreational and community facilities, the promotion of sound design and arrangements, the wise and efficient expenditure of public funds, the prevention of the recurrence of insanitary or unsafe dwelling conditions, slums or conditions of blight.

NOW, THEREFORE, BE IT RESOLVED:

(1) That the aforesaid Redevelopment Plan for Civic Redevelopment, N. C. R-13, Amendment Number 1, dated November, 1967, prepared by the Redevelopment Commission of the City of Asheville be and the same is hereby in all respects approved; and

(2) That the Planning and Zoning Commission agrees to rezone the area in accordance with proposed zoning as shown on Map URP-5, Sheet 2.

(3) That this recommendation of approval be certified to the Governing Body of the Redevelopment Commission of the City of Asheville and to the Governing Body of the City of Asheville.

The Planning and Zoning Commission has therefore recommended that the City Council take appropriate action to rezone the land in accordance with the zoning depicted on the plat attached, titled U.R.P. - t Sheet 2.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:PB
Enclosure

Upon motion of Councilman Sumer, seconded by Councilman McRary, the above recommendation was accepted, and the City Clerk was authorized to give notice of a public hearing to be held on same, at which time an ordinance complying with said recommendation would be presented.

PLAT APPROVED - LYNN-BAR SUBDIVISION -
UNDER ORDINCE #424

A letter was received from the Planning and Zoning Commission recommending approval of a plat of Lynn-Bar Subdivision.

September 26, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

We have reviewed a revised Final Plat of the Lynn-Bar Subdivision dated September 19, 1968, such plat being a revision of a previous Final Plat approved by the City Council July 30, 1964. The new plat shows an extension of Powers Drive to provide a permanent cul-de-sac.

We find this plat to be in harmony with the Cith's Master Plan and recommend it to you for your approval.

Respectfully,

S/ Dean Y. Matthews
Dean Y. Matthews
Executive Director

DYM/nr
Enclosures: Linen Tracing and one print of Lynn-Bar Subdivision dated 9-19-68
cc/ Mr. William F. Wolcott, City Engineer

Councilman Morgan moved that this plat be approved in accordance with the provisions of Subdivision Ordinance #424, which motion was seconded by Councilman McRary and unanimously adopted.

PETITION - BARKING DOGS

A petition from ten residents who complained about barking dogs at the home of H. James Toland, 16 Robin Hood Drive was received.

The City Manager advised that city ordinances impose no restriction as long as the animals are on the property of their owners, but that the residents have recourse through the courts to abate a nuisance.

PETITION - BUFFER ZONE - NEW WEST ASHEVILLE POST OFFICE

A petition from a number of residents in the area of the new West Asheville Post Office requesting that an entrance be built from Patton Avenue and that a buffer zone be rebuilt was received.

The City Manager read a letter from the Planning Department in which it was pointed out that at the time this property was rezoned no buffer zone was set up in the zoning ordinance which rezoned the property. However, it was brought out that the situation might be covered in the zoning ordinance, and the matter was referred to the City Manager for such administrative action as might provide a solution.

BUFFER ZONE - TUNNEL ROAD - REQUEST OF R. L. COLEMAN

A letter was received from Richard L. Coleman requesting that he be allowed to grade that part of the buffer zone where the adjoining residential property is owned by the developer.

ORDINANCE NO. 606 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

The City Manager advised that today is the date set for a public hearing on an amendment to the zoning ordinance setting up a provision on Visibility at Intersections.

There being no objection, Councilman Sumner introduced Ordinance No. 606, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

LEASE - CITY OF SYLVA - ONE FIRE CRASH TRUCK

The City Manager explained a resolution providing for a lease with the City of Sylva for one fire crash truck to be used at the Asheville Airport.

Councilman Morgan then introduced resolution authorizing Mayor to execute lease with the City of Sylva for one fire crash truck, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 220.
Copy of lease will be found attached to original resolution.

SYSTEMATIC HOUSING CODE COMPLIANCE PROGRAM - RESOLUTION ESTABLISHING

The City Manager explained a resolution establishing a systematic Housing Code compliance program for Asheville and advised that this was a requisite to the recertification of the City's Workable Program for Community Improvement.

Councilman Sumner discussed the matter, and stated that he was opposed to such inspections.

Following the discussion Councilman McRary introduced a resolution establishing a systematic housing code compliance program for Asheville, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, adopted with Councilman Sumner casting a dissenting vote.
Complete copy of resolution will be found in Resolution Book #5 at page 221.

BUFFER ZONE- TUNNEL ROAD - PETITION OF RICHARD L. COLEMAN

The City Manager read a petition from Richard L. Coleman requesting that he be allowed to grade that part of the buffer zone where the adjoining residential property is owned by the developer.

Mr. Ward Hendon, attorney for Richard L. Coleman, spoke in favor of the petition.

Councilman Sumner discussed the matter, and moved that it be tabled until next week when more members of the Council would be present, which motion was seconded by Councilman McRary and adopted.

CIVIC REDEVELOPMENT AREA N. C. R-13 - PROPOSAL TO DELETE THREE ACRES NORTH OF EXPRESSWAY - DISCUSSION

The City Manager read a letter from Joe Emerson Rose inquiring as to when some definite information would be made available concerning the three acres of land in Civic Redevelopment Project N. C. R-13, north of the Expressway.

Mr. Neal Hanks of the Redevelopment Commission explained the Commission's position in wishing to delete this property from the project.

Councilman Sumner stated in a matter of policy like this he thought more members of the Council should be present before it is considered, and the matter was tabled until next week.

CITY MANAGER - REPORT ON REQUEST OF MERCHANTS IN 1000 BLOCK OF WEST PATTON AVENUE

The City Manager presented a report from the State Highway Commission concerning a request from merchants in the 1000 block of West Patton Avenue, advising that the project will not be designated as controlled access, but that a median strip will divide the east and west lanes.

AUDITORIUM - COLISEUM - BOND ANTICIPATION NOTES

The City Manager advised that bond attorneys have prepared a notice of sale in connection with anticipation notes for the construction of the Auditorium complex.

INSTITUTE OF GOVERNMENT STUDY COURSE

The City Manager advised that Philip C. Cocke, Jr. and J. C. Hall will attend a course in Municipal administration sponsored by the Institute of Government.

There being no further business, the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

DDB082

Thursday, October 3, 1968 - 4:00 o'clock P. M.

A regular meeting of the Council of the City of Asheville, North Carolina, was held at the City Hall, the usual place of meeting, at 4:00 o'clock P. M., October 3, 1968, with the following members present:

Mayor E. W. Eller, presiding, and Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, Dr. Robert P. Crouch, T. B. Sumner, C. E. Morgan.

Absent: None

The minutes of the previous meeting were read and approved.

WESTERN NORTH CAROLINA REGIONAL PLANNING COMMISSION - RESIGNATION OF WELDON WEIR

A letter was received from Mr. Weldon Weir resigning as a member of the Western North Carolina Regional Planning Commission.

Councilman Crouch moved that the resignation be accepted with regret and that a letter of appreciation be written to Mr. Weir, which motion was seconded by Councilman Mulvaney and unanimously adopted.

WESTERN NORTH CAROLINA REGIONAL PLANNING COMMISSION - APPOINTMENT OF MEMBER (Phin. Horton, III)

Councilman Morgan moved that City Manager Phin. Horton, III be appointed a member of the Western North Carolina Regional Planning Commission, which motion was seconded by Councilman Sumner and unanimously adopted.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lots 1 3/4 and 391, Sheet 28, Beaverdam Ward - R. L. Coleman, agent for L. O. Huckaby)

A request was received from R. L. Coleman, agent for L. O. Huckaby for the rezoning of a portion of Lots 1 3/4 and 391, Sheet 28, Beaverdam Ward.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ORDINANCE NO. 606 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 606, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED," was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Algary suggested that the Department of Public Safety investigate dangerous intersections already in existence, and the City Manager advised that while the ordinance cannot be made retroactive that an appeal will be made to property owners.

Mrs. Nell Stroupe requested that a car on the street right-of-way on Vivian Avenue be removed, and was advised that an investigation would be made of this matter.

PETITION - SOUTH BUNCOMBE DISTRICT - WATER SERVICE AND CHARGES

A petition, signed by a number of residents in the South Buncombe District, was received asking that an investigation be made of water rates and water service.

Councilman Algary discussed the matter of meter reading, and suggested that meters be read every other month.

ADVERTISING COSTS - PETITIONERS TO PAY

The City Manager discussed the matter of advertising costs which was brought up a couple of weeks ago, and advised that in some cities where the benefits inure to the petitioners that the petitioners pay for the cost of the advertisement, such as street closings, rezoning, and matters of this nature.

Following a discussion, Councilman Sumner moved that the phrase "at the petitioner's expense" be inserted in resolutions where benefits inure to the property owners making the request, and that the City Clerk be so instructed, which motion was seconded by Councilman Morgan and unanimously adopted.

BUFFER ZONE - TUNNEL ROAD - RICHARD L. COLEMAN

The City Manager brought up the matter tabled from last week concerning the request of Richard L. Coleman that he be allowed to grade that part of the buffer zone where the adjoining residential property is owned by the developer, and read a letter from Mr. Coleman requesting that this matter be delayed for one week for the reason that an agreement is being negotiated with the Kenilworth Forest Community Association. The City Manager then read the proposal from Mr. Coleman that is being submitted to the said Association.

NEW WEST ASHEVILLE POST OFFICE - BUFFER ZONE - DISCUSSION

The City Manager brought up the matter of the new West Asheville Post Office and the petition presented regarding a buffer zone and new entrance, and read a letter from Mr. Richard Coleman in which Mr. Coleman stated he was willing to cooperate with the residents of the area and would dedicate five additional feet for a right of way to widen Druid Drive, and that he would plant a row of evergreens, subject to the approval of the Post Office Department. The City Manager then read a letter from the Director of Public Works advising that the estimated cost of widening Druid Drive would be $2,500.00.

Mr. Raymond Bell, one of the petitioners, spoke concerning the noise of the trucks and requested a new entrance from Patton Avenue.

Councilman Sumner suggested that an investigation be made to see if another entrance can be provided, and the matter was referred to the City Manager and City Attorney.

AUDITORIUM BONDS - RESOLUTION PROVIDING FOR ISSUANCE OF $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES

The City Manager explained a resolution prepared by the bond attorneys providing for the issuance of $1,000,000 Auditorium Bond Anticipation notes.

Councilman Algary stated he wanted it understood that the bonds or anticipation notes would not be payable until the 1970-71 budget.

Councilman Algary introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $4,000,000 Auditorium Bonds was passed on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held on December 5, 1967.

(b) That none of said bonds has been issued and that no notes have been issued in anticipation of the receipt of the proceeds of said bonds.

Section 2. In anticipation of the receipt of the proceeds of a like amount of said bonds the issuance of $1,000,000 negotiable notes of the City of Asheville is hereby authorized, which notes shall be designated "Auditorium Bond Anticipation Notes", shall be dated October 24, 1968, shall mature on June 24, 1969, without option of prior payment, shall bear interest at a rate to be determined by the Local Government Commission at the time the notes are sold, not exceeding 6% per annum, which interest shall be payable at the maturity of the notes to which no interest coupons shall be attached. Said notes shall be payable as to principal and interest at such bank or trust company, and shall have such denomination or denominations and bear such number or numbers as may be fixed by the Mayor after the award of the notes by the Local Government Commission, and both the principal of and the interest on said notes shall be payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. Said notes shall be signed by the Mayor and the City Clerk and the corporate seal of the City shall be affixed to the notes, and said notes shall have endorsed thereon the written approval of the City Attorney, and the form of said notes and the endorsement to be placed upon the reverse of each note shall be substantially as follows:

No. _____ $_____

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE

Auditorium Bond Anticipation Note

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer on the 24th day of June, 1969, the principal sum of

_____ THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of _____ per centum (_____%) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of and the interest on this note are payable at _____, in _____, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts. For the prompt payment hereof, both principal and interest as the same become due, the full faith and credit of said City of Asheville are hereby irrevocably pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of a like amount of Auditorium Bonds duly authorized by an ordinance passed by the Council of said City on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held, and this note is issued pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and a resolution duly passed by the Council of said City.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this note have happened, exist and have been performed in regular and due form and time as so required, and that the total indebtedness of said City, including this note, does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, said City of Asheville has caused this note to be signed by its Mayor and its City Clerk and the corporate seal of the City to be affixed hereto, all as of the 24th day of October, 1968.

_____
Mayor

_____
City Clerk

The issuance of this note is hereby approved.

_____
City Attorney

(To be endorsed upon the reverse of notes)

Local Government Commission Serial No. ....

The issuance of this note has been approved under the provisions of the Local Government Act of North Carolina.

W. E. EASTERLING,
Secretary, Local Government Commission

By:_____
Designated Assistant

Section 4. The action of the City Manager in applying to the Local Government Commission to approve, advertise and sell said $1,000,000 Auditorium Bond Anticipation Notes, and the action of the Local Government Commission in asking for sealed bids for said notes by publishing a sale notice and printing and distributing circulars be and the same are hereby ratified and confirmed.

Section 5. This resolution, being a resolution directing administrative action shall take effect immediately.

Approved as to form:

_____
Corporation Counsel

_____
Mayor

_____
City Clerk

Thereupon Councilman Algary moved the passage of the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES" and Councilman Mulvaney seconded the motion and the resolution was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Crouch, Sumner, Morgan, and Mayor Eller

Nays: None

Thereupon the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporate Counsel endorsed upon said resolution his approval of the form thereof.

CIVIC REDEVELOPMENT PROJECT N. C. R-13 - THREE ACRES NORTH OF EXPRESSWAY TO BE INCLUDED IN PROJECT

The City Manager brought up the matter of the three acres north of the expressway being included in Civic Redevelopment Project N. C. R-13, which was tabled at the last meeting, and read a letter from the Redevelopment Commission giving their reasons for wishing to take this three acres out of the project.

Councilman Sumner stated that the Council had already gone on record that the three acres remain in the project, and suggested that the property be used as a park.

Councilman Crouch then moved that the Council go on record as deleting this three acres from the Urban Renewal area, which motion was seconded by Councilman McRary.

Mr Ward Allen, attorney for Joe Emerson Rose, spoke in favor of keeping the three acres in the project.

Councilman Algary spoke at length in favor of keeping the three acres in the project, stating that the

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bonds were voted for the total area, and that the Council had already voted to keep the area in the project, and further that he thought the Council should reaffirm its original position.

Councilman Crouch then stated that in view of the discussion and the facts brought out that he wished to withdraw his motion, and moved that the Redevelopment Commission be instructed to include the three acre tract of land in the Urban Renewal Project, which motion was seconded by Councilman Sumner. A vote was then taken on the motion and it passed with Mayor Eller casting a dissenting vote.

FIRE APPARATUS - BID AWARDED

The City Manager advised that bids had been advertised for a piece of apparatus for the Fire Department, and that only one bid was received; that another advertisement was had, and this time also only one bid was received from the American LaFrance Company in the amount of $22,402.00. The City Manager recommended that this bid be accepted.

Councilman Crouch moved that the above bid be accepted by the city, which motion was seconded by Councilman McRary and unanimously adopted.

BUFFER ZONE - TUNNEL ROAD - CITY ORDINANCES

The resident of 192 White Pine Drive discussed the buffer zone, and asked about the enforcement of city ordinances.

He was advised that it is the intention of the City Council to enforce all its ordinances.

CITIZENS ADVISORY COMMITTEE'S SUB-COMMITTEE ON MINORITY HOUSING - APPOINTMENT OF MEMBER (Logan B. Delany)

Mayor Eller announced the appointment of Logan B. Delany on the Citizens Advisory Committee's Sub-Committee on Minority Housing.

There being no further business, the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, October 10, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 10, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, Dr. Robert P. Crouch, W. F. Algary, C. E. Morgan, City Manager Phin. Horton and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

EAST RIVERSIDE URBAN RENEWAL - PETITION

Petitions signed by a number of residents in the East Riverside Urban Renewal Area protesting the proposed land use in said area were presented.

These petitions were directed to be forwarded to the Redevelopment Commission for their information.

CIVIC REDEVELOPMENT PROJECT N. C. R-13 - SALE OF PROPERTY TO FIRST BAPTIST CHURCH - APPROVED

A letter was received from the Redevelopment Commission of the City of Asheville requesting approval of the proposed sale of Parcel 10, as shown on disposition map dated May, 1966, to the First Baptist Church of Asheville.

Councilman Sumner stated he thought the Council should know more about such sales, appraisal prices, etc., and that the proposed sales should be brought to the Council first.

Following the discussion, Councilman Algary moved that the sale be approved, which motion was seconded by Councilman Morgan and adopted with Councilman Crouch abstaining from voting.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lot 1 3/4, Sheet 18, Ward 2, R. J. Gardner)

A letter was received from the Planning and Zoning Commission recommending that Lot 1 3/4, Sheet 18, Ward 2, remain as now zoned.

October 10, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The Asheville Planning and Zoning Commission at a meeting held Wednesday, October 9, 1968, took the following action on the rezoning request of Mr. and Mrs. R. J. Gardner:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied and the property remain as it is now zoned.

Respectfully,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR/nr

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This was received as information by the Council.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lots 1 3/4 and 391, Sheet 28, Beaverdam Ward - R. L. Coleman, agent for L. O. Huckaby)

A letter was received from the Planning and Zoning Commission reaffirming its previous recommendation in the matter of the request of R. L. Coleman, agent for L. O. Huckaby, in the requested rezoning of Lots 1 3/4 and 391, Sheet 28, Beaverdam Ward.

October 10, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, N. C.

RE: R. L. Coleman rexoning request dated October 2, 1968

Gentlemen:

At the October 9th meeting of the Planning and Zoning Commission, your letter and enclosures concerning the subject request of Mr. R. L. Coleman was read as a communication item on our agenda. The Commission noted that a public hearing and staff study was held last month on this matter and unanimously reaffirmed its previous recommendation.

Respectfully,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR/nr
Enclosures - R. L. Coleman Letter and map.

The City Manager stated that the recent proposal submitted from the developer was less extensive than the original proposal.

Councilman Sumner then suggested that this matter be referred back to the Planning and Zoning Commission for further study and recommendation, which the Council directed be done.

VETERAN'S DAY PARADE - ASHEVILLE JAYCEES

A letter was received from the Asheville Jaycees calling attention to the Veteran's Day Parade to be held at 10:30 A. M. on Monday, November 11th, and inviting the City Manager and members of the Council to be guests in the parade.

Several members of the Council accepted the invitation.

ORDINANCE #606 - AN ORDINANCE AMENDING ORDINANCE # 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 606, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", WAS, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 606

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

Amend Section 10 GENERAL REGULATIONS by adding a new sub-section to be known as Sub-Section E. Visibility at Intersections at the end of said section as follows:

E. Visibility at Intersections. On a corner lot in any residential district no planting shall be placed or maintained, and no fence, building, wall or other structure shall be permitted to exist after the effective date of these regulations, if such planting or structure thereby obstructs vision at any point between a height of two (2) feet and a height of ten (10) feet above the upper face of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on two sides of the two street lines, or by projection of such lines to their point of intersection, and on the third side by a straight line connecting points on such street lines (or their projections) each of which is 30 feet distant from the point of intersection of the street lines. Poles, posts and guys for street lights and for other utility services, and tree trunks exclusive of leaves and branches, shall not be considered obstructions to vision within the meaning of this provision.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 26 day of September, 1968.

T. B. Sumner
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 10 day of October, 1968, to become effective 25 day of October, 1968.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

Robertson Wall
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

BUFFER ZONE - TUNNEL ROAD - RICHARD L. COLEMAN

The City Manager stated that Mr. Richard Coleman had advised him that negotiations were still continuing with residents in the Kenilworth Forest section.

Mr. Ward Allen, attorney for Mr. Coleman, was present and advised that he was ready to present the matter, but in order to give residents notice the matter was postponed until the next meeting of the City Council.

WATER DEPARTMENT - APPOINTMENT OF FLOYD J. PADGETT ON TEMPORARY BASIS

The City Manager reported due to the death of the head of the Billing and Collection in the Water Department he was appointing Floyd J. Padgett, former director of the Water Department, to this position on a temporary basis until a permanent appointment can be made.

AUDITORIUM BONDS - BANKS ADVISED OF SALE OF ANTICIPATION NOTES

The City Manager reported that he had notified all the banks in the city of the sale of the $1,000,000 Auditorium Revenue Anticipation Notes.

BEE TREE WATERSHED - COOPERATIVE RECREATION PROJECT - MEETING TO BE HELD

The City Manager reminded Council members of a meeting to be held on Monday, October 14th, with various State and Governmental agencies to discuss the possibilities of a cooperative Recreation Project on Bee Tree Watershed.

BUNCOMBE COUNTY PLANNING COUNCIL BOARD OF DIRECTORS - APPOINTMENT OF MEMBER (Rev. James David Armstrong)

Councilman Mulvaney introduced a resolution appointing member to the Board of Directors of the Buncombe County Planning Council, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 224.

BUDGET STATEMENT - PERIOD ENDING SEPTEMBER 30, 1968

The City Manager presented and reviewed briefly the budget statement for the period ending September 30, 1968.

CITY EMPLOYEES - WAGE INCREASE - STANDARDIZED WORKING CONDITIONS

The City Manager discussed a major change in employment status of the labor and field forces of the City of Asheville, advising that he recommended a raise to $1.60 an hour, and that working conditions and hours of employees will be standardized.

The City Manager then explained the provisions of an ordinance which will allow the increase in wages to go into effect.

ORDINANCE #607 - AN ORDINANCE AMENDING ORDINANCE #604, WHICH ORDINANCE ADOPTED AND APPROPRIATED THE OPERATING BUDGET AND FIXED THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1968-69

Councilman Morgan introduced Ordinance No. 607, being "AN ORDINANCE AMENDING ORDINANCE #604, WHICH ORDINANCE ADOPTED AND APPROPRIATED THE OPERATING BUDGET AND FIXED THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1968-69", which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

CHARTER REQUIREMENT ORDINANCE BE READ ON THREE SEPARATE DAYS DISPENSED WITH

Councilman Morgan then moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman McRary and unanimously adopted.

ORDINANCE NO. 607 - AN ORDINANCE AMENDING ORDINANCE #604, WHICH ORDINANCE ADOPTED AND APPROPRIATED THE OPERATING BUDGET AND FIXED THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1968-69

Ordinance No. 607, being "AN ORDINANCE AMENDING ORDINANCE #604, WHICH ORDINANCE ADOPTED AND APPROPRIATED THE OPERATING BUDGET AND FIXED THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1968-69", was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 607 - AN ORDINANCE AMENDING ORDINANCE #604, WHICH ORDINANCE ADOPTED AND APPROPRIATED THE OPERATING BUDGET AND FIXED THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1968-69

Ordinance No. 607, being "AN ORDINANCE AMENDING ORDINANCE #604, WHICH ORDINANCE ADOPTED AND APPROPRIATED THE OPERATING BUDGET AND FIXED THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1968-69", was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 607

AN ORDINANCE AMENDING ORDINANCE #604, WHICH ORDINANCE ADOPTED AND APPROPRIATED THE OPERATING BUDGET AND FIXED THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1968-69

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That SCHEDULE A. GENERAL OPERATING FUND of Ordinance 604 be and it is hereby amended by changing the figure General Government $803,280.46 to $820,042.76, and the figure Total General Operating Fund from $5,614,378.28 to $5,631,100.56.

Section 2. That Section 2. SCHEDULE A. of Oreinance 604 be and it is hereby amended by changing the figure Current Year's Property Tax $2,692,747.00 to $2,709,509.30, and the figure TOTAL GENERAL OPERATING FUND from $5,614,378.28 to $5,631,100.56.

Section 3. That in all other respects, except as herein amended, Ordinance #604 shall remain in full force and effect as originally adopted.

I move the adoption of the foregoing ordinance, this 10th day of October, 1968.

C. E. Morgan
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 10 day of October, 1968, to become effective 10 day of October, 1968.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

Robertson Wall
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

WATER DEPARTMENT - ANALYSIS - DISCUSSION

Councilman Sumner suggested that a complete analysis be made of the Water Department, which analysis would show the amount of money collected from property owners and consumers, separating the industrial, commercial and domestic classifications; how much water various consumers are using; and also discussed the water rate schedule.

The City Manager stated that such a study would take time and would be expensive, but that he would go into the matter and would not go into an extensive study without further discussion with the council.

EAST RIVERSIDE URBAN RENEWAL AREA - DISCUSSION

Mr. and Mrs. Roy Rogers and several other residents in the East Riverside Urban Renewal Area appeared before the Council to protest plans which would cause residents to lose homes which are in good condition.

Councilman Algary stated that property owners cannot be evicted until other suitable housing is available, and that he has been advised by the architects that bids will be let by November 15th.

DDB082

NEW WEST ASHEVILLE POST OFFICE - BUFFER ZONE - DISCUSSION

Mrs. Hamlin again brought up the matter of the new West Asheville Post Office, stating that the operation being carried on there is in violation of the zoning ordinance, and also stated that the building is constructed partly on a lot which is zoned RA-6 Residential District. Mrs. Hamlin asked that the zoning ordinance be enforced.

The Council referred this matter to the City Manager and City Attorney for investigation and report.

REDEVELOPMENT COMMISSION - VACANCY - PROPOSED NEW MEMBER (Dr. Otis Michael)

Councilman Crouch discussed the vacancy existing on the Redevelopment Commission of the City of Asheville and proposed Dr. Otis Michael to fill this vacancy.

The Council directed that a resolution appointing Dr. Michael be prepared for the next meeting.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, October 17, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 17, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, C. E. Morgan, W. F. Algary, Dr. Robert P. Crouch, F. M. Mulvaney, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

SIGNS - RESOLUTION OF KEEP ASHEVILLE BEAUTIFUL COMMITTEE

A resolution of the Keep Asheville Beautiful Committee was read in which the Committee requested that Ordinance 450 limiting signs on the Crosstown Expressway to within 200 feet of the rights-of-way be amended to include the West Asheville Connector, the interchange at Hanover, the proposed interchange on the East side of the Smoky Park Bridge, and Hall Street-Riverside Drive to the city limits.

This resolution was referred to the Planning and Zoning Commission for study and recommendation.

CITY MANAGER PHIN. HORTON - COMMENDED BY CLEVELAND ASSOCIATION OF GOVERNMENTAL OFFICIALS

A resolution of The Cleveland Association of Governmental Officials was read in which said Association commended City Manager Phin. Horton, III for his efforts in behalf of said Association.

BUFFER ZONE- TUNNEL ROAD - RICHARD L. COLEMAN

The City Manager brought up the matter tabled from last week concerning the request of Richard L. Coleman that he be allowed to grade that part of the buffer zone where the adjoining residential property is owned by the developer, and requesting that the City Council direct the City Manager to issue a grading permit.

Mr. Ward Allen, attorney for Mr. Coleman, discussed the different proposals which have been made to the property owners in the area, and advised that all of said proposals have been rejected. Mr. Allen spoke in favor of the petition.

A number of residents in the area spoke against the matter.

In response to a question from Dr. Crouch Mr. Coleman stated that he had no plans to grade below the level of the houses owned by him or to remove the said houses, and that he would maintain a buffer zone.

Councilman Algary discussed the buffer zone, and several other members of the Council also gave their views on the matter.

Following the discussion, Councilman McRary moved that the inviolate fifty foot buffer zone heretofore established on the boundary of the R. L. Coleman property be relocated within the lines shown in pencil on plan presented at this meeting, and that the City Manager be directed to issue grading permit when requested by R. L. Coleman, provided the same conforms to all other city ordinances, which motion was seconded by Councilman Morgan and unanimously adopted.

ORDINANCE #608 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

The City Manager advised that today is the date set for the public hearing on the proposed rezoning of all property in Civic Redevelopment Project N. C. R-13, and that due advertisement has been had of said public hearing. There were no objections.

Councilman McRary then introduced Ordinance No. 608, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

DDB082

GUDGER STREET - CLOSED AND ABANDONED

The City Manager advised that today is the date set for the public hearing on the proposed closing of a portion of a portion of Gudger Street between the northern margin of Haywood Street and the North Carolina State Highway Commission right-of-way for the Crosstown Expressway, and that due advertisement had been made of said public hearing.

There was a discussion concerning utility rights-of-way, and the resolution was amended to include the following provision: Reserving, however, unto the City of Asheville an easement for any water, sewer or drainage facilities located on said premises for the purpose of maintaining, repairing and replacing the same, together with the right to construct any additional utilities along these easements as may be necessary.

Councilman Morgan then introduced a resolution authorizing abandonment and closing and disclaiming any public interest in a portion of Gudger Street between the northern margin of Haywood Street and the North Carolina State Highway Commission right-of-way for the Crosstown Expressway, which was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 225.

BUTTRICK STREET - CLOSED AND ABANDONED

The City Manager advised that today is the date set for the public hearing on the proposed closing of a portion of Buttrick Street between the northern margin of Patton Avenue and Haywood Street and the North Carolina Highway Commission's right-of-way for the Crosstown Expressway, and that due advertisement had been made of said public hearing.

The Council directed that this resolution be amended to include the same reservation as Gudger Street.

Councilman Mulvaney then introduced a resolution authorizing abandonment and closing and disclaiming any public interest in a portion of Buttrick Street between the northern margin of Patton Avenue and Haywood Street and the North Carolina Highway Commission's right-of-way for the Crosstown Expressway, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 226.

SPRUCE STREET, VANCE STREET, OAK STREET, SOUTH LIBERTY STREET, CENTRAL AVENUE, WOODFIN PLACE, WOODFIN STREET, COLLEGE PARK PLACE, THE EXIT RAMP FOR EAST BOUND TRAFFIC WHICH LIES BETWEEN CENTRAL AVENUE AND CHARLOTTE STREET, A TWELVE FOOT ALLEY INTERSECTING SOUTH LIBERTY STREET, A TEN FOOT ALLEY INTERSECTING SPRUCE STREET, A TWELVE FOOT ALLEY INTERSECTING SPRUCE STREET, A TWELVE FOOT ALLEY INTERSECTING THE WEST SIDE OF VANCE STREET, A TWELVE FOOT ALLEY INTERSECTING THE WEST SIDE OF LOCUST STREET, A TWELVE FOOT ALLEY INTERSECTING THE NORTHERN RIGHT-OF-WAY OF WOODFIN STREET, A TWELVE FOOT ALLEY INTERSECTING THE SOUTHERN RIGHT-OF-WAY OF WOODFIN STREET, AND A TEN FOOT ALLEY INTERSECTING THE SOUTHERN RIGHT-OF WAY OF WOODFIN STREET - CLOSED AND ABANDONED

The City Manager advised that today is the date set for the public hearing on the proposed closing of certain streets and alleys in Civic Redevelopment Project N. C. R-13, and that due advertisement has been made of said public hearing.

Councilman Crouch then introduced a resolution authorizing abandonment and closing and disclaiming any public interest in a portion of Spruce Street, Vance Street, Oak Street, South Liberty Street, Central Avenue, Woodfin Place, Woodfin Street, College Park Place, the exit ramp for east bound traffic which lies between Central Avenue and Charlotte Street, a twelve foot alley intersecting South Liberty Street, a ten foot alley intersecting Spruce Street, a twelve foot alley intersecting Spruce Street, a twelve foot alley intersecting the west side of Vance Street, a twelve foot alley intersecting the west side of Locust Street, a twelve foot alley intersecting the northern right-of-way of Woodfin Street, a twelve foot alley intersecting the southern right-of-way of Woodfin Street, and a ten foot alley intersecting the southern right-of-way of Woodfin Street, which was, upon motion of Councilman Crouch, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #6 at pages 227 and 228.

REDEVELOPMENT COMMISSION OF THE CITY OF ASHEVILLE - APPOINTMENT OF MEMBER (Dr. Otis Michael)

Councilman Morgan introduced a resolution appointing member of the Redevelopment Commission of the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #6 at page 229.

NEW WEST ASHEVILLE POST OFFICE - BUFFER ZONE - REPORT OF CITY MANAGER

The City Manager advised that an investigation was being made into the matter of the alleged violation of the zoning ordinance in connection with the new West Asheville Post Office, and that the report was not yet ready.

BIDS - DUMPMASTER TRUCK - AWARD MADE

The City Manager advised that after due advertisement bids had been received for a dumpmaster truck, and recommended that the bid be awarded to the lowest bidder, Matthews Motors, Inc.

Councilman Crouch moved that the bid be awarded to Matthews Motors, Inc., which motion was seconded by Councilman McRary and unanimously adopted.

WATER DEPARTMENT - FLUORIDATION - PROTEST OF MISS McCOY

Miss Fannie McCoy appeared before the Council to ask that an investigation be made of the Water Depart-

ment, and also to protest the use of fluoride and other chemicals in the public water supply.

CITY COUNCIL - TIME OF NEXT MEETING

The City Manager suggested that this meeting be adjourned to reconvene at 10:00 o'clock A. M. on October 31st, 1968 because of the dedication of a portion of I-40, the attendance of the City Manager at the annual convention of the International City Managers Association, and the annual meeting of the North Carolina League of Municipalities.

Councilman Crouch so moved, which motion was seconded by Councilman Mulvaney and unanimously

CITY CLERK

Thursday, October 31, 1968 - 10:00 o'clock A. M.

The City Council of the City of Asheville met in Regular session at the City Hall in the City of Asheville at 10:00 o'clock a. m., on Thursday, October 31, 1968.

The meeting was called to order by the Mayor and upon roll call, those present and absent were as follows:

Present: Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, Dr. Robert P. Crouch, T. B. Sumner, C. E. Morgan; City Manager Phin. Horton, III, and Corporation Counsel Robertson Wall.

Absent: None

The minutes of the previous meeting were read and approved.

VANDERBILT APARTMENTS, INC. - REQUEST THAT DIRECTOR BE APPOINTED

A letter was received from the Vanderbilt Apartments, Inc. advising that Mr. John C. Joyner did not wish to be reappointed to the Board of Directors, and recommending that Homer Brooks, 372 Kimberly Avenue be appointed to fill this vacancy.

WATER CHARGES - W. T. BURR, JR.

A letter regarding water charges and rates was received from W. T. Burr, Jr.

ORDINANCE NO. 608 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 608, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 609 - AN ORDINANCE AMENDING SECTION 24-6 OF THE ASHEVILLE CITY CODE TO INCLUDE CERTAIN HIGHWAYS

The City Manager read and explained Ordinance No. 609 regarding billboards on certain highways.

Mr. Andrew Anderson, Manager of Lamar Dean Advertising Company, spoke against the ordinance, and requested that the matter be further considered with a view toward drawing up a control ordinance. There were several other speakers in opposition to the ordinance.

Following the discussion, Councilman Mulvaney introduced ORDINANCE NO. 609, being "AN ORDINANCE AMENDING SECTION 24-6 OF THE ASHEVILLE CITY CODE TO INCLUDE CERTAIN HIGHWAYS", which was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "no"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

CHARTER REQUIREMENT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Sumner then moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Morgan and unanimously adopted.

ORDINANCE NO. 609 - AN ORDINANCE AMENDING SECTION 24-6 OF THE ASHEVILLE CITY CODE TO INCLUDE CERTAIN HIGHWAYS

Ordinance No. 609, being "AN ORDINANCE AMENDING SECTION 24-6 OF THE ASHEVILLE CITY CODE TO INCLUDE CERTAIN HIGHWAYS", was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "no"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 609 - AN ORDINANCE AMENDING SECTION 24-6 OF THE ASHEVILLE CITY CODE TO INCLUDE CERTAIN HIGHWAYS

Ordinance No. 609, being "AN ORDINANCE AMENDING SECTION 24-6 OF THE ASHEVILLE CITY CODE TO INCLUDE CERTAIN HIGHWAYS", was upon motion of Councilman Mulvaney, seconded by Councilman Sumner, passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "no"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 609

AN ORDINANCE AMENDING SECTION 24-6 OF THE ASHEVILLE CITY CODE TO INCLUDE CERTAIN HIGHWAYS

Section 1. That Section 24-6 of the Asheville City Code be and the same is hereby repealed, and amended to provide as follows:

No permit shall be issued for the erection of any ground sign board, roof sign, wall sign or any similar advertising structure within two hundred (200) feet of the public right-of-way within the corporate limits of the city as contained in State Highway Project 8.19030, Buncombe County, known and denominated as the Cross-Town Expressway; State Highway Project 8.3191101, Buncombe County, known and denominated as the West Asheville Connector; State Highway Project 8.3191102, Buncombe County, known and denominated as the Hanover Interchange; State Highway Project 8.3023210, Buncombe County, known and denominated as the Hall Street Interchange, and State Highway Project 3.3023203, Buncombe County, known and denominated as the Weaverville Connector, until the application therefor has been submitted to and approved by the City Council. Reference is hereby made to the plats of the State Highway Projects 8.19030, 8.3191101, 8.3191102, 8.3023210, and 8.3023203 herein referred to on file in the office of the city engineer for a more particular description of such rights-of-way.

The application for a permit for the erection of any sign described in this section shall be made in the department of public safety and the applicant shall be given five (5) days' notice prior to consideration of the application by the City Council, so that the applicant, or anyone in his behalf, may be heard.

Section 2. That this ordinance shall become effective fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 31 day of October, 1968.

Frank Mulvaney
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 31 day of October, 1968, to become effective 15 day of November, 1968.

APPROVED AS TO FORM:
Robertson Wall
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

SOUTH DEPOT STREET - RELOCATION - ACCEPTANCE OF DEED FOR CLOSED PORTION OF S. DEPOT STREET AND SILICO STREET

The City Manager explained a resolution regarding the relocation of S. Depot Street from Oakland Avenue to the northern boundary line of the property owned by Vincent S. Waters, Bishop of the Roman Catholic Diocese of Raleigh.

Councilman Morgan then introduced a resolution authorizing the relocation of S. Depot Street from Oakland Avenue to the northern boundary line of the property owned by Vincent S. Waters, Bishop of the Roman Catholic Diocese of Raleigh, North Carolina and to accept from him a deed of conveyance to any of his right, title and interest in the closed portion of S. Depot Street and the closed portion of Silico Street, which was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 230.

DEED - TO HOUSING AUTHORITY FOR ANY RIGHT, TITLE AND INTEREST IN SILICO STREET AND S. DEPOT STREET

The City Manager explained a resolution regarding the execution of a deed to the Housing Authority for any right, title and interest in Silico Street and S. Depot Street.

Councilman Mulvaney then introduced a resolution to authorize the execution and delivery of a deed to Housing Authority of the City of Asheville for any right, title and interest in Silico Street and S. Depot Street conveyed to it by Vincent S. Waters, Bishop of the Roman Catholic Diocese of Raleigh, North Carolina for the portions of those streets heretofore closed, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 231.

LOW-RENT HOUSING - RESOLUTION APPROVING APPLICATION

The Following resolution was introduced by Councilman Morgan, read in full and considered:

DDB082

RESOLUTION

RESOLUTION APPROVING APPLICATION FOR LOW-RENT HOUSING

WHEREAS, it is the policy of this locality to eliminate substandard and other inadequate housing, to prevent the spread of slums and blight, and to realize as soon as feasible the goal of a decent home in a suitable living environment for all of its citizens; and

WHEREAS, under the provisions of the United States Housing Act of 1937, as amended, the UNITED STATES OF AMERICA (herein called the "Government") is authorized to provide financial assistance to local public housing agencies for undertaking and carrying out preliminary planning of low-rent housing projects and financial assistance in providing low-rent housing by leasing dwelling units in existing privately-owned structures, that will assist in meeting this goal; and

WHEREAS, the act provides that there shall be local determination of need for low-rent housing to meet needs not being adequately met by private enterprise and that the Government shall not make any contract with a public housing agency for preliminary loans for surveys and planning in respect to any low-rent housing projects unless the governing body of the locality involved has by resolution approved the application of the public housing agency for such preliminary loan; and

WHEREAS, Section 23 of the Act provides that the provisions thereof shall not apply to any locality unless the governing body of the locality has by resolution approved the application of such provisions to such localities; and

WHEREAS, the Housing Authority of the City of Asheville (herein called the "Local Authority") is a public housing agency and is applying to the Government for low-rent housing.

NOW, THEREFORE, be it resolved by the City Council of the City of Asheville, North Carolina as follows:

1. There exists in the City of Asheville of North Carolina a need for such low-rent housing at rents within the means of low-income families.

2. The application of the Local Authority to the Government for a preliminary loan in an amount not to exceed $80,000.00 for surveys and planning in connection with low-rent housing projects of not to exceed approximately 200 dwelling units is hereby approved.

3. The application of provisions of Section 23 of the United States Housing Act of 1937, as amended, to City of Asheville.

Councilman Morgan moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Councilman Crouch, and upon roll call the "Ayes" and "Nays" were as follows:

AYES Councilmen McRary, Mulvaney, Algary, Crouch, Morgan and Mayor Eller — NAYS: Councilman Sumner

The Mayor thereupon declared the said resolution adopted.

WATER RATES - DISCUSSION

Councilman Sumner discussed at length excessive water bills, and suggested that the Council should instruct the Water Department whenever a bill exceeds $10.00 for a private residence that said resident be given notice that they should pay only $10.00 and would have an adjustment at a later date.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, November 7, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 7, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, F. M. Mulvaney, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT REQUESTED - Lots 7, 8 1/4, 9, 10, 9 1/4, 10 1/4, 6 1/4, 6 1/2, 8, 8 1/2, Sheet 14, Ward 5; Lots 1, 56 1/2, 63, 56, 57, 58, 59, 60, 61, 62, Sheet 9, Ward 5

A petition was received requesting the rezoning of Lots 7, 8 1/4, 9, 10, 9 1/4, 10 1/4, 6 1/4, 6 1/2, 8 8, 1/2, Sheet 14, Ward 5; Lots 1, 56 1/2, 63, 56, 57, 58, 59, 60, 61, 62, Sheet 9, Ward 5.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lots 1-3/4, and 391, Sheet 28, Beaverdam Ward, R. L. Coleman

A letter was received from the Planning and Zoning Commission recommending that Lots 1-3/4 and 391, Sheet 28, Beaverdam Ward remain as they are now zoned.

November 7, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

Subject: R. L. Coleman Rezoning Rezoning Request

The Asheville Planning and Zoning Commission at its regular meeting held November 6, 1968 took the following action on the R. L. Coleman rezoning request.

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 1-3/4, and 391, Sheet 28, Beaverdam Ward, remain as they are now zoned.

Respectfully,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR/nr

This was received as information by the Council

SITE PLAN - BURGER KING CORPORATION - RECOMMENDATION OF PLANNING AND ZONING COMMISSION - PUBLIC HEARING SET

A letter was received from the Planning and Zoning Commission recommending the approval of the site plan of Burger King Corporation, as shown on plans prepared by Scott B. Arnold, Architect, dated 5/10/68.

November 7, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

Subject: Group Development - Burger King Corporation

At its regular meeting held November 6, 1968, the Asheville Planning and Zoning Commission reviewed the group development project of the Burger King Corporation as shown on the attached plans prepared by Scott B. Arnold, Architect, and dated 5/10/68.

It was unanimously recommended that the project be approved as a Group Development under the provisions of the Asheville Zoning Ordinance.

Respectfully,

S/ Dean Y. Matthews
Dean Y. Matthews
Executive Director

DYM/nr
Enclosures - 3 sheets of plan

Councilman Morgan moved that the clerk be authorized to advertise a public hearing on the above matter, the cost of the advertisement to be charged to the petitioner, which motion was seconded by Councilman McRary and unanimously adopted.

HAA 912

HOUSING AUTHORITY - SITE PLAN NC PROJECT 7-5 SITES 1 and 2 - APPROVED

A letter was received from William J. Cocke, Attorney for Housing Authority of the City of Asheville, requesting approval of Site Plan NC Project 7-5 Sites 1 and 2

In this connection a letter was received from the Planning and Zoning Commission recommending approval of said site plan.

November 7, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

Subject: Public Housing Project N.C. 7-5

The Planning and Zoning Commission reviewed the plan for 125 units of public housing, project N.C. 7-5, on June 14, 1967, and approved the plans as complying with requirements for zoning, parking, rights-of-way, and set-back. A variance to the zoning ordinance was recommended so that one parking space per unit may be provided instead of the usual 1-3/4 spaces per unit.

Some slight revisions have been made to the Grading and Site Work Plans (as shown on J. Bertram King, Architect, Drawings, Sheets 11 and 12, dated August 5, 1968). The Planning and Zoning Commission at its regular meeting held November 6, 1968 reviewed these site plans and recommended them to City Council for their approval.

Respectfully,

S/ Charles Cunningham for
Dean Y. Matthews
Executive Director

DYM/nr
Enclosures - J. Bertram King Drawings, Sheets 11 & 12, 8-5-68.

Councilman McRary moved that said site plan be approved, which motion was seconded by Councilman Morgan and unanimously adopted.

ORDINANCE NO. 608 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE"" AS AMENDED

Ordinance No. 608, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED, was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 608

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be zoned BUSINESS DISTRICT:

BEGINNING at a point at the intersection of the Northern right-of-way of College Street and the Western right-of-way of Market Street; thence Easterly 260 feet more or less to the Western right-of-way line of Spruce Street; thence Northerly along the Western right-of-way of Spruce Street 375 feet more or less to the Southern right-of-way line in Walnut Street; thence Westerly along said Southern right-of-way line of Walnut Street 170 feet more or less to a point opposite the Western right-of-way line of a fifteen foot alley; thence Northerly across Walnut Street and along the Western right-of-way line of said alley 210 feet more or less to the end of said alley; thence Easterly along property lines of Parcel 7 of Block 9, 50 feet more or less to the rear lot line of the Thomas Wolfe Memorial property; thence Northerly along the rear lot line of the Thomas Wolfe property 130 feet more or less to the Northwest corner of the Thomas Wolfe property; thence Westerly along a property line 85 feet more or less to the Eastern right-of-way line of Market Street; thence Northerly along the Eastern right-of-way line of Market Street 95 feet more or less; thence Easterly along the side of parcel 3 in block 9, 135 feet more or less to the Southwest corner of parcel 2 of block 9; thence Northerly along the rear lot lines of Parcels 1 and 2 of block 9, 170 feet more or less to the Southern right-of-way line of Woodfin Street; thence Westerly along the Southern right-of-way line of Woodfin Street 510 feet more or less; thence Northwesterly across Woodfin Street and in a Northwesterly direction along the Western right-of-way line of Broadway Street 250 feet more or less to a point where the Southern boundary of the Crosstown Expressway extended intersects the Western right-of-way of Broadway; thence in a Northeasterly direction across Broadway with the Southern right-of-way line of the Crosstown Expressway 550 feet more or less to a point approximately 50 feet west of the Western right-of-way line of South Liberty Street; thence Northeasterly along a line parallel to and 45 feet more or less South of the Southern curb of the Crosstown Expressway a distance of 610 feet more or less to a point on the Western right-of-way line of Central Avenue; thence crossing Central Avenue in an Easterly direction 60 feet more or less to the Eastern right-of-way line of Central Avenue and the Southern right-of-way of the Crosstown Expressway and the Southern margin of the proposed Charlotte Street ramp; thence with the Southern right-of-way of the Crosstown Expressway and the Southern margin of the proposed Charlotte Street ramp 390 feet more or less; thence crossing the proposed Charlotte Street ramp in a Northerly direction 50 feet more or less; thence in an Easterly direction with the Southern right-of-way line of the Crosstown Expressway 230 feet more or less; thence with the right-of-way of the Crosstown Expressway in a Southerly direction 60 feet more or less, to the Southern right-of-way line of the Crosstown Expressway; thence in an Easterly direction along the Southern right-of-way line of the Crosstown Expressway as it meanders a distance 2710 feet more or less to the Southern right-of-way of Poplar Street; thence Westerly along the Southern right-of-way line of Poplar Street a distance of 1950 feet more or less to a point where Poplar Street terminates at the intersection of Poplar Street, Valley Street and College Street; thence Westerly along the Southern right-of-way line of College Street 670 feet more or less to a point where said right-of-way line intersects the Eastern curb of a Parkway lying West of the Buncombe County Court House and the Asheville City Hall; thence in a Southern and Western direction along said curb 650 feet more or less to the Eastern right-of-way line of Spruce Street; thence Southerly along the Eastern right-of-way line of Spruce Street a distance 50 feet more or less to a point; thence Westerly 230 feet more or less to the West side of Market Street; thence Northerly 40 feet more or less along the West side of Market Street; thence Westerly 70 feet more or less to a point on the South side of Pack Square; thence Northerly 310 feet more or less along the East side of Pack Square to the Northwest corner of Market Street and College Street and the point of BEGINNING.

(b) That the following property be zoned RA-M DISTRICT:

BEGINNING at a point at the intersection of the Southern right-of-way of the Crosstown Expressway and the Western right-of-way line of Central Avenue; thence running northerly along the Western right-of-way of Central Avenue and across the Crosstown Expressway a distance of 345 feet more or less to the Northwest corner of Central Avenue and Orchard Street; thence Easterly along the Northern right-of-way line of Orchard Street 465 feet more or less to a point opposite the point on the South side of Orchard Street where the Northern right-of-way line of the Crosstown Expressway intersects the Southern right-of-way line of Orchard Street; thence across Orchard Street and along the Northern right-of-way line of the Crosstown Expressway 140 feet more or less to a point; thence Southeasterly 120 feet more or less to the Southern right-of-way line of the Crosstown Expressway; thence in a Westerly direction along the Southern right-of-way line of the Crosstown Expressway 230 feet more or less to the Northern margin of the proposed Charlotte Street ramp; thence crossing the proposed Charlotte Street ramp in a Southerly direction 50 feet more or less to the Southern margin of the proposed Charlotte Street ramp and the Southern right-of-way line of the Crosstown Expressway line; thence in a Westerly direction with the Southern margin of the Crosstown Expressway and the Southern margin of the proposed Charlotte Street ramp 340 feet more or less crossing Central Avenue to the point of BEGINNING

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 17 day of October, 1968.

J. W. McRary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 7 day of November, 1968, to become effective 22 day of November, 1968.

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

ASHEVILLE TRANSIT AUTHORITY BONDS - NOTICE OF INTENTION TO APPLY TO LOCAL GOVERNMENT COMMISSION - CITY CLERK AUTHORIZED TO PUBLISH NOTICE

The City Manager advised that the Asheville Transit Authority had been notified that a mass transportation grant had been approved subject to certain conditions, and explained and recommended passage of a resolution of notice of intention to apply to the Local Government Commission for the approval of bonds. The City Manager also thanked the Transit Authority for their efforts in this behalf.

Councilman Sumner then introduced a resolution directing the City Clerk to cause to be published the notice of intention to apply to the Local Government Commission for the approval of bonds, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 233.

COMMUNITY ACTION AGENCY - DESIGNATION

The City Manager explained that the Council had been requested by the Commissioners of Buncombe County to indicate their intention in regard to the designation of the Opportunity Corporation of Buncombe and Madison Counties as the community action agency for this community.

Councilman Mulvaney then introduced a resolution regarding designation of Community Action Agency, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 234.

POLICE COURT - APPOINTMENT OF DEPUTY CLERK (Mrs. Kay Zachary)

Councilman McRary introduced a resolution appointing Mrs. Kay Zachary as a Deputy Clerk of the Police Court of the City of Asheville, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 235.

LAW ENFORCEMENT OFFICERS TO BE SENT TO ASSIST IN THE TOWN OF CANTON, NORTH CAROLINA

The City Manager advised that he had been requested by the Town of Canton to ask for Mutual Assistance in Law Enforcement (G. S. 160-20.2) in regard to a sporting event.

November 4, 1968

Mr. Phin Horton
City Manager
City of Asheville
Asheville, North Carolina

Dear Mr. Horton:

The Mayor and Board of Aldermen of Canton have instructed me to ask the Mayor and City Council of Asheville for Mutual Assistance in Law Enforcement (G. S. 160-20.2).

We would like to be assisted by your colored officers of the Asheville Police Department Friday evening, November 8, 1968. Our local high school plays South French Broad of Asheville that evening and we feel, at the present time, it would be wise to use these officers in helping to control race relations since it will require a greater level of law enforcement effort than we can provide at the present time.

We have had excellent reports on your officers, and we feel it is essential to have these individuals to eliminate problems that we do expect to arise.

Your co-operation will be greatly appreciated and we adhere to the Mutual Assistance Law Enforcement Act completely. With best regards.

Respectfully submitted,

TOWN OF CANTON

S/ William G. Stamey
William G. Stamey
Town Manager

WGS/gw

Councilman Mulvaney then introduced a resolution authorizing the Chief of Police of the City of Asheville to send law enforcement officers to Canton, N. C on Friday, November 8, 1968, to assist the law enforcement officers of the Town of Canton, North Carolina, which was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 236.

CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL - APPOINTMENT OF MEMBER (Robert N. Grice)

The City Manager advised that the term of office of Robert N. Grice as a member of the City of Asheville Board of Alcoholic Control would expire on November 13, 1968.

Councilman Algary then introduced a resolution appointing member of the City of Asheville Board of

DDB082

Alcoholic Control, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 237.

RECREATION BOARD FOR ASHEVILLE - APPOINTMENT OF MEMBER (Gene S. Wike)

The City Manager advised that the term of office of Gene S. Wike as a member of the Recreation Board for Asheville would expire on November 10, 1968.

Councilman Morgan then introduced a resolution appointing member of Recreation Board for Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 238.

ORDINANCE NO. 610 - AN ORDINANCE AMENDING SECTIONS 8-17, 8-29 and 8-31 of CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

The City Manager explained certain amendments to the Housing Code of the City of Asheville.

Following a discussion, Councilman Morgan introduced Ordinance No. 610, being "AN ORDINANCE AMENDING SECTIONS 8-17, 8-29, and 8-31 of CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner abstained
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

COMMUNITY CENTER AND FIRE STATION IN EAST RIVERSIDE - ARCHITECTS INVITED TO ATTEND MEETING

The City Manager advised that he had requested representatives of architectural firms in the City of Asheville to attend today's meeting to make presentations of their firms capabilities for designing a community center facility which is to be constructed in the East Riverside Urban Renewal area, in order that the Council may select an architect for this facility, and requested permission to withdraw from the meeting for the purpose of meeting with the architects to set up the method of presentation.

TRAFFIC, TAXES AND INSURANCE PREMIUMS - W. G. HUTCHINSON

Mr. W. G. Hutchinson discussed traffic, taxes and insurance premiums, and suggested that improved law enforcement would result in savings to the taxpayers.

EAST RIVERSIDE URBAN RENEWAL AREA - DISCUSSION

Mrs. Roy Rogers and several other residents of the East Riverside Urban Renewal area appeared before the Council to protest plans which would cause residents to lose homes which are in good condition.

WATER RATES - DISCUSSION

Councilman Sumner brought up the matter of water rates and charges, and renewed his request that the Council should instruct the Water Department whenever a bill exceeds $10.00 for a private residence that said resident be given notice that they should pay only $10.00 and would have an adjustment at a later date.

COMMUNITY CENTER AND FIRE STATION IN EAST RIVERSIDE - PRESENTATION BY ARCHITECTS AND T.EDMUND WHITMIRE CHOSEN

The architects who were present at the meeting then gave brief resumes of their architectural experience and capabilities: T. Edmund Whitmire, Bill Moore, Six Associates, James L. Padgett, J. Bertram King, Dick Webster, Wiegman-Hall, and Larry Traber.

After the presentation a discussion was had by members of the council, following which Councilman Morgan moved that T. Edmund Whitmire be selected as the architect for this project, which motion was seconded by Councilman Algary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, November 14, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 14, 1968 - at 4:00 o'clock P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen: W. F. Algary, T. B. Sumner, J. W. McRary, C. E. Morgan, Robert P. Crouch, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

CANTON, TOWN OF - THANKS FOR COOPERATION - POLICE OFFICERS NAMES

A letter was received from the Mayor and Board of Aldermen of the Town of Canton expressing appreciation for the Mutual Assistance in Law Enforcement on November 8, 1968.

In this connection a memorandum was received fro m the Chief of Police of the City of Asheville

DDB082

giving the names of the law enforcement officers who assisted the Town of Canton as follows: H. J. Watts, W. H. Wardlaw, I. L. Barham, Ronald Chandler, Lee Warren, W. D. Worley.

ORDINANCE NO. 610 - AN ORDINANCE AMENDING SECTIONS 8-17, 8-29 AND 8-31 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

Ordinance No. 610, being "AN ORDINANCE AMENDING SECTIONS 8-17, 8-29 and 8-31 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

BOND ELECTION - APPOINTMENT OF COUNCIL COMMITTEE

The Vice-Mayor announced that Mayor Eller had appointed a Council Committee consisting of C. E. Morgan, Dr. Robert P. Crouch and Frank Mulvaney to work with various civic organizations and other groups in promoting the forthcoming referendum on the Transit Authority bonds.

HYATT, CARL B. JR. - RESIGNATION AS DIRECTOR OF PUBLIC SAFETY - RESOLUTION OF APPRECIATION

The City Manager announced the resignation of Carl B. Hyatt, Jr. as Director of Public Safety effective November 15th, and advised that this had first been discussed in October, but as a convenience to the City Manager and Chief of Police Mr. Hyatt had agreed to remain on the job until now. The City Manager further announced that he had no immediate plans to fill this position.

Councilman Crouch then introduced a resolution commending Carl B. Hyatt, Jr. for his service to the City of Asheville, which was, upon motion of Councilman Crouch, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 239.

STATE HIGHWAY COMMISSION - AGREEMENT (Project 8.19069 (8.3023203)

The City Manager explained the provisions of a resolution providing for an agreement with the State Highway Commission regarding U. S. Highways 19, 23, 25 and 70.

The following resolution was offered by Councilman Morgan and a motion was made by Councilman Morgan that it be adopted; this motion was seconded by Councilman McRary and upon being put to a vote was unanimously carried.

WHEREAS, the State Highway Commission and the Municipality, on the twenty-third day of May, 1968, entered into a certain Municipal Agreement as to the construction and improvement of U. S. Highways 19, 23, 25, and 70, as shown on the plans of Project 8.19068 (8.3023208) and 8.19069 (8.3023203), Buncombe County; and,

WHEREAS, the City Council ratifies and affirms the Municipal Agreement entered into on the twenty-third of May, 1968, for Projects 8.19068 (8.3023208) and 8.19069 (8.3023203), Buncombe County, between this Municipality and the State Highway Commission; and,

WHEREAS, the parties have now agreed that Project 8.19069 (8.3023203) of the aforementioned agreement be amended to the extent of including a numbered paragraph five (5), stating that the Commission will relocate a six (6) inch cast iron water line on the section of Riverside Drive between approximate survey stations 16 ƒ 00 to 32 ƒ00 as shown in red on the attached map or drawing marked as Exhibit "A", and the Commission will relocate an eight (8) inch vitrefied clay sewer line on the section of Riverside Drive between approximate survey stations 16 ƒ 00 to 25 ƒ 50 as shown in green on the attached map or drawing marked as Exhibit "A"; also, the Commission will relocate and change an existing two (2) inch galvanized water line to w two (2) inch galvanized wrought iron encased in six (6) inch corrugated metal at approximate survey stations 215 ƒ 30 as shown in yellow on the attached map or drawing marked as Exhibit "B"; however, upon its acceptance of said relocations the Municipality will reimburse the Commission on the actual bid prices within sixty (60) days after completion, and upon being billed by the Commission.

NOW, THEREFORE, BE IT RESOLVED that the Supplemental Municipal Agreement or Projects 8.19068 (8.3023208) and 8.19069 (8,3023203), Buncombe County, be and it is hereby formally approved by the City Council of the City of Asheville and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required Agreement between this Municipality and the State Highway Commission.

This Resolution was passed and adopted the 14th day of November, 1968.

Complete copy of resolution will also be found in Resolution Book 5 at page 240.

BUDGET STATEMENT

The City Manager presented the statement showing the budget position of the city for the period ending October 31, 1968.

POLICE COURT - INVESTIGATION - DISCUSSION

Councilman Sumner brought up the matter of an investigation being made into the operation of the Police Court as reported in the local press, and, in discussing the matter advised that a similar investigation was started in 1954. Councilman Sumner turned over to the City Manager certain information which was brought before the Bar Association at that time, requesting that this information be returned to him.

Councilman Sumner also discussed the matter of police officers having to testify, and stated he thought said officers should bd paid for time spent in court when they were on their time, asking the City Manager to work out an arrangement regarding this.

The City Manager advised that under the present budget it would not be possible to do this, but that he would encourage the cooperation of the court in the calling of cases. The City Manager further advised that the

present investigation is a joint endeavor by the State Bureau of Investigation and the Police Department of the City of Asheville into the procedural operations of the court and the disposition of cases.

Councilman McRary moved that the Council go on record as backing the City Manager in clearing up this matter, which motion was seconded by Councilman Crouch and unanimously adopted.

ASHEVILLE CHAMBER OF COMMERCE - CITY REPRESENTATIVE

Councilman Morgan brought up the matter of Councilman Crouch's service as the city representative on the Chamber of Commerce which expires in January, advising he understands Councilman Crouch does not wish to be re-appointed, and that Mayor Eller has indicated that he would serve in this capacity.

Councilman Morgan then moved that Mayor Eller serve as the City representative on the Chamber of Commerce, which motion was seconded by Councilman Sumner.

Councilman Algary stated he thought the Mayor should also serve as a member of the Executive Committee of said Chamber and that the motion be so amended.

Councilman Sumner stated that unless the Mayor is appointed to the Executive Committee that he will not be appointed to the Chamber of Commerce, and asked that the motion be so amended, which amendment was accepted by Councilman Morgan.

Councilman Crouch advised that he had attended meetings of the Executive Committee and that the Chamber of Commerce has been very cooperative.

Following the discussion the motion, as amended, was unanimously adopted.

TAX PENALTIES - PROTEST OF MISS McCOY

Miss McCoy appeared before the Council and protested the 10% penalty for non-listing of taxes, and also spoke against the plans which would cause residents in the East Riverside Urban Renewal Area to lose homes which are in good condition.

The City Manager advised that the 10% penalty for non-listing of taxes is governed by state law.

There being no further business, the meeting was upon motion adjourned.

Frank Mulvaney
VICE-MAYOR

Margaret Simmons
CITY CLERK

Thursday, November 21, 1968 - 4:00 o'clock P. M.

The Council of the City of Asheville, North Carolina, met in regular session at the City Hall, the usual place of meeting, at 4:00 o'clock P. M., on November 21, 1968.

Present: Mayor E. W. Eller, presiding, and Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, T. B. Sumner, C. E. Morgan.

Absent: Dr. Robert P. Crouch.

Also present: Phin Horton, III, City Manager, and Margaret Simmons, City Clerk.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lot 4-1/4, Sheet 22, Ward 9 - Thomas J. Parker)

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lot 4 1/4, Sheet 22, Ward 9.

November 20, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The Asheville Planning and Zoning Commission met Wednesday, November 6, 1968, and took the following action on the request of Attorney Charles Buck for Mr. and Mrs. Thomas J. Parker:

> The Commission voted unanimously to recommend that Lot 4 1/4, Sheet 22, Ward 9, be rezoned from RA-6 Residential District to Neighborhood Trading Area, subject to a letter from Attorney Francis Heazel stating that his client, an adjacent property owner, has no objection.

A copy of the letter negating the earlier opposition is attached.

Respectfully,

AR/nr
Enclosures

S/ Anthony Redmond
Anthony Redmond
Secretary

Upon motion of Councilman Morgan, seconded by Councilman McRary, the above recommendation was accepted, and the City Clerk was authorized to give notice of a public hearing to be held on same, at which time an ordinance complying with said recommendation would be presented.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lots 313, 314, 315, 318, 319, 356, 232, Sheet 16, Ward 6 - George E.Cowan)

A request was received from G. E. Cowan for the rezoning of Lots 313, 314, 315, 318, 319, 356, 232,

Sheet 16, Ward 6, be rezoned from residential to commercial.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ZONING ORDINANCE - AMENDMENT REQUESTED (Portion of lot 242, Sheet 13, Ward 8 - Clyde E. Braboy)

A petition was received from Clyde E. Braboy and wife requesting the rezoning of a portion of Lot 242 Sheet 13, Ward 8 from RA-6 Residential to Neighborhood Trading.

This request was referred to the Planning and Zoning Commission for study and recommendation.

PLAT - SPRINGTIME SUBDIVISION - PART A, SECTION III - APPROVED UNDER SUBDIVISION ORDINANCE 424

A letter was received from the Planning and Zoning Commission recommending the approval of a plat of Part A, Section III, Springtime Subdivision.

November 20, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The accompanying plat, Part A, Section III, Springtime Subdivision, Ward 8, Asheville, Buncombe County, owned by U. S. Builders Incorporated, has been submitted for approval of the City Council in accordance with Subdivision Regulations, Ordinance No. 424.

This plat in preliminary form was approved by the Asheville Planning and Zoning Commission on October 9, 1968, The final plat has been reviewed for compliance with the Ordinance and is recommended to you for approval.

Respectfully,

DYM/nr
Enclosure

S/ Dean Y. Matthews
Dean Y. Matthews
Executive Director

Councilman Morgan moved that this plat be approved in accordance with the provisions of Subdivision Ordinance #424, which motion was seconded by Councilman McRary and unanimously adopted.

ORDINANCE NO. 610 - AN ORDINANCE AMENDING SECTIONS 8-17, 8-29 AND 8-31 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

Ordinance No. 610, being "AN ORDINANCE AMENDING SECTIONS 8-17, 8-29 AND 8-31 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 610

AN ORDINANCE AMENDING SECTIONS 8-17, 8-29 AND 8-31 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 8-17 - DEFINITIONS, be and the same is hereby amended by adding thereto the following two definitions:

Deteriorated shall mean that a building is unfit for human habitation and can be repaired, altered, or improved to comply with all of the standards established by this code, at a cost not in excess of sixty percent (60%) of its value, as determined by finding of the Inspector.

Dilapidated shall mean that a building is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the standards established by this code at a cost not in excess of sixty percent (60%) of its value, as determined by finding of the Inspector.

Section 2. That Section 8-29 - ENFORCEMENT (B) Powers of Inspector 3 (a) and (b), be and the same is hereby repealed, and in lieu thereof, the following is hereby enacted:

Sec. 8-29 ENFORCEMENT (B) Powers of Inspector

3. If, after such notice and hearing, the Inspector determines that the building under consideration is unfit for human habitation in accordance with the standards herein set forth, he shall state in writing his finding of fact in support of such determination, stating whether said building is deteriorated or dilapidated, and shall issue and cause to be served upon the owner thereof an order:

(a) If the repair, alteration, or improvement of said building, bringing it up to the standards described herein, can be made at a cost of less than 60 per cent of the present value of the building, the Order shall require the owner, within a specified period of time, not to exceed ninety (90) days, to repair, alter or improve such building so as to render it fit for human habitation, or it shall require the owner within the specified time therein, not to exceed ninety (90) days, to repair, alter or improve such building so as to render it safe. Such order may also direct and require the owner to vacate and close such building until the repairs, alterations and improvements have been made and/or the unsafe and dangerous character of such building has been corrected.

DDB082

present investigation is a joint endeavor by the State Bureau of Investigation and the Police Department of the City of Asheville into the procedural operations of the court and the disposition of cases.

Councilman McRary moved that the Council go on record as backing the City Manager in clearing up this matter, which motion was seconded by Councilman Crouch and unanimously adopted.

ASHEVILLE CHAMBER OF COMMERCE - CITY REPRESENTATIVE

Councilman Morgan brought up the matter of Councilman Crouch's service as the city representative on the Chamber of Commerce which expires in January, advising he understands Councilman Crouch does not wish to be re-appointed, and that Mayor Eller has indicated that he would serve in this capacity.

Councilman Morgan then moved that Mayor Eller serve as the City representative on the Chamber of Commerce, which motion was seconded by Councilman Sumner.

Councilman Algary stated he thought the Mayor should also serve as a member of the Executive Committee of said Chamber and that the motion be so amended.

Councilman Sumner stated that unless the Mayor is appointed to the Executive Committee that he will not be appointed to the Chamber of Commerce, and asked that the motion be so amended, which amendment was accepted by Councilman Morgan.

Councilman Crouch advised that he had attended meetings of the Executive Committee and that the Chamber of Commerce has been very cooperative.

Following the discussion the motion, as amended, was unanimously adopted.

TAX PENALTIES - PROTEST OF MISS McCOY

Miss McCoy appeared before the Council and protested the 10% penalty for non-listing of taxes, and also spoke against the plans which would cause residents in the East Riverside Urban Renewal Area to lose homes which are in good condition.

The City Manager advised that the 10% penalty for non-listing of taxes is governed by state law.

There being no further business, the meeting was upon motion adjourned.

Frank Mulvaney
VICE-MAYOR

Margaret Simmons
CITY CLERK

Thursday, November 21, 1968 - 4:00 o'clock P. M.

The Council of the City of Asheville, North Carolina, met in regular session at the City Hall, the usual place of meeting, at 4:00 o'clock P. M., on November 21, 1968.

Present: Mayor E. W. Eller, presiding, and Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, T. B. Sumner, C. E. Morgan.

Absent: Dr. Robert P. Crouch.

Also present: Phin Horton, III, City Manager, and Margaret Simmons, City Clerk.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lot 4-1/4, Sheet 22, Ward 9 - Thomas J. Parker)

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lot 4 1/4, Sheet 22, Ward 9.

November 20, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The Asheville Planning and Zoning Commission met Wednesday, November 6, 1968, and took the following action on the request of Attorney Charles Buck for Mr. and Mrs. Thomas J. Parker:

> The Commission voted unanimously to recommend that Lot 4 1/4, Sheet 22, Ward 9, be rezoned from RA-6 Residential District to Neighborhood Trading Area, subject to a letter from Attorney Francis Heazel stating that his client, an adjacent property owner, has no objection.

A copy of the letter negating the earlier opposition is attached.

Respectfully,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR/nr
Enclosures

Upon motion of Councilman Morgan, seconded by Councilman McRary, the above recommendation was accepted, and the City Clerk was authorized to give notice of a public hearing to be held on same, at which time an ordinance complying with said recommendation would be presented.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lots 313, 314, 315, 318, 319, 356, 232, Sheet 16, Ward 6 - George E.Cowan)

A request was received from G. E. Cowan for the rezoning of Lots 313, 314, 315, 318, 319, 356, 232,

Sheet 16, Ward 6, be rezoned from residential to commercial.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ZONING ORDINANCE - AMENDMENT REQUESTED (Portion of lot 242, Sheet 13, Ward 8 - Clyde E. Braboy)

A petition was received from Clyde E. Braboy and wife requesting the rezoning of a portion of Lot 242 Sheet 13, Ward 8 from RA-6 Residential to Neighborhood Trading.

This request was referred to the Planning and Zoning Commission for study and recommendation.

PLAT - SPRINGTIME SUBDIVISION - PART A, SECTION III - APPROVED UNDER SUBDIVISION ORDINANCE 424

A letter was received from the Planning and Zoning Commission recommending the approval of a plat of Part A, Section III, Springtime Subdivision.

November 20, 1968

Honorable Mayor and
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The accompanying plat, Part A, Section III, Springtime Subdivision, Ward 8, Asheville, Buncombe County, owned by U. S. Builders Incorporated, has been submitted for approval of the City Council in accordance with Subdivision Regulations, Ordinance No. 424.

This plat in preliminary form was approved by the Asheville Planning and Zoning Commission on October 9, 1968. The final plat has been reviewed for compliance with the Ordinance and is recommended to you for approval.

Respectfully,

S/ Dean Y. Matthews
Dean Y. Matthews
Executive Director

DYM/nr
Enclosure

Councilman Morgan moved that this plat be approved in accordance with the provisions of Subdivision Ordinance #424, which motion was seconded by Councilman McRary and unanimously adopted.

ORDINANCE NO. 610 - AN ORDINANCE AMENDING SECTIONS 8-17, 8-29 AND 8-31 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

Ordinance No. 610, being "AN ORDINANCE AMENDING SECTIONS 8-17, 8-29 AND 8-31 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 610

AN ORDINANCE AMENDING SECTIONS 8-17, 8-29 AND 8-31 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 8-17 - DEFINITIONS, be and the same is hereby amended by adding thereto the following two definitions:

Deteriorated shall mean that a building is unfit for human habitation and can be repaired, altered, or improved to comply with all of the standards established by this code, at a cost not in excess of sixty percent (60%) of its value, as determined by finding of the Inspector.

Dilapidated shall mean that a building is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the standards established by this code at a cost not in excess of sixty percent (60%) of its value, as determined by finding of the Inspector.

Section 2. That Section 8-29 - ENFORCEMENT (B) Powers of Inspector 3 (a) and (b), be and the same is hereby repealed, and in lieu thereof, the following is hereby enacted:

Sec. 8-29 ENFORCEMENT (B) Powers of Inspector

3. If, after such notice and hearing, the Inspector determines that the building under consideration is unfit for human habitation in accordance with the standards herein set forth, he shall state in writing his finding of fact in support of such determination, stating whether said building is deteriorated or dilapidated, and shall issue and cause to be served upon the owner thereof an order:

(a) If the repair, alteration, or improvement of said building, bringing it up to the standards described herein, can be made at a cost of less than 60 per cent of the present value of the building, the Order shall require the owner, within a specified period of time, not to exceed ninety (90) days, to repair, alter or improve such building so as to render it fit for human habitation, or it shall require the owner within the specified time therein, not to exceed ninety (90) days, to repair, alter or improve such building so as to render it safe. Such order may also direct and require the owner to vacate and close such building until the repairs, alterations and improvements have been made and/or the unsafe and dangerous character of such building has been corrected.

DDB082

(B) If the repair, alteration, or improvement of said building, bringing it up to the standards described herein, cannot be made at a cost of less than 60 per cent of the present value of the building, the Order shall require the owner, within a specified period of time, not to exceed ninety (90) days, to vacate and close and to remove or demolish such building.

Section 3. That Section 8-29 ENFORCEMENT (B) Powers of Inspector 5, be and the same is hereby repealed, and in lieu thereof, the following is hereby enacted:

Sec. 8-29 ENFORCEMENT (B) Powers of Inspector

5. If the owner of a building found to be deteriorated fails to comply with an order to repair, alter, or improve the building, the Inspector shall secure the issuance of a warrant charging such owner with a violation of the Standards of Fitness established by this code as provided in Sec. 8-29 (B) 8. Further, if the owner of such a building found to be deteriorated fails to comply with an order of the Inspector to repair, alter, or improve, the Inspector shall cause such building to be repaired, altered, or improved, and pending such repairs, alterations or improvements may order such building vacated and closed, and may cause to be posted on the main entrance of any building so closed, a placard with the following words: 'This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

Section 4. That Section 8-29 ENFORCEMENT (B) Powers of Inspector 6, be and the same is hereby repealed, and in lieu thereof, the following is hereby enacted:

Sec. 8-29 ENFORCEMENT (B) Powers of Inspector

6. If the owner of a building found to be unsafe and dangerous to life fails to comply with an order to repair, alter or improve; or to vacate and close and to remove or demolish a building, the Inspector shall secure the issuance of a warrant charging such owner with a violation of N.C.G.S. 160-152. Further, if the owner of such a building found to be unsafe and dangerous to life fails to comply with an Order of the Inspector to repair, alter or improve, or to vacate and close, and remove and demolish, the Inspector may cause such building to be repaired, altered, or improved, or to be vacated and closed, removed or demolished and pending such repairs, alterations or improvements, removal or demolition, the Inspector shall cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is dangerous, It is hereby closed and its use is prohibited."

Section 5. That Section 8-29 ENFORCEMENT (B) Powers of Inspector 7, be and the same is hereby repealed, and in lieu thereof, the following is hereby enacted:

Sec. 8-29 ENFORCEMENT (B) Powers of Inspector

7. If the owner of a building found to be dilapidated fails to comply with an order to vacate and close, remove or demolish the building, the Inspector shall secure the issuance of a warrant charging such owner with a violation of the Standards of Fitness established by this code as provided in Sec. 8-29 (B) 8. Further, if the owner of such a building found to be dilapidated fails to comply with an Order of the Inspector to vacate and close, and remove and demolish, the Inspector may cause such building to be vacated and closed and removed or demolished. The Inspector may cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Provided, however, that the Inspector shall not cause the repair, alteration, improvement, removal or demolition of any building, as set forth in paragraphs (5), (6), and (7) of this section until the City Council shall have by ordinance ordered the Inspector to proceed to effectuate the purpose of this code with respect to the particular property or properties which the Inspector shall have found to be unfit for human habitation or dangerous, and which property or properties shall be described in the ordinance.

Section 6. That Section 8-29 ENFORCEMENT (B) Powers of Inspector 8, be and the same is hereby repealed, and in lieu thereof, the following is hereby enacted:

Sec. 8-29 ENFORCEMENT (B) Powers of Inspector

8. Violations; Failure, Neglect or Refusal to Repair, Alter, Improve, Vacate and Close, Remove or Demolish; Renting of Unfit Dwelling After Notice; Penalty

It shall be unlawful for the owner of any building to fail, neglect, or refuse to repair, alter or improve the same, or to vacate and close and remove or demolish the same, upon Order of the Inspector duly made and served as herein provided, within the time specified in such Order, and each day that any such failure, neglect, or refusal to comply with such Order continues shall constitute a separate and distinct offense.

When the Inspector finds that a building is unfit for human habitation or dangerous within the meaning of this section and has notified the owner to such effect and the time limit set by the Inspector for the correction of d defects or vacating same has expired, no person shall receive rentals, offer for rent or occupy such building unit as a human habitation, and each day such offense continues shall be deemed a separate offense. Any person violating these provisions shall be guilty of a misdemeanor, and upon conviction such offender shall be punished by a fine of not more than Fifty ($50.00) Dollars for each separate offense.

The violation of any provision of this code shall constitute a misdemeanor, as provided by N. C. G. S. 14-4.

Section 7. That Section 8-31 Remedies - Injunction, be and the same is hereby amended by adding thereto the following two words:

That the Word "APPEAL" be and the same is hereby inserted in the title of said section, causing same to read as follows: "Sec. 8-31 REMEDIES - APPEAL - INJUNCTION."

That the word "Injunction" be and the same is hereby inserted as the first word of said section, causing same to read as follows: Injunction. Any person affected by an order issued by the Inspector may petition the Superior Court for an injunction restraining the Inspector from" . . .

Section 8. That Section 8-31 Remedies - Injunction, be and the same is hereby further amended by adding thereto, at the beginning of said section, the following seven paragraphs:

Appeal. Where compliance with an order of the Inspector, or where the literal application of the provisions of this coce, would appear to cause undue hardship on an owner, or other party in interest, or when it is claimed that the true intent and meaning of this code or any of the standards or requirements herein have been wrongly interpreted, the owner or other party in interest may appeal from the Order of the Inspector to the City Council.

Notice of appeal shall be in writing and filed in the office of the City Clerk within ten (10) days after service of the order of the Inspector, and shall be on forms provided by the Inspector. The appeal shall be placed on the agenda for hearing by the City Council at its next regular meeting.

The City Council upon such appeal, and after a hearing, may extend the time for compliance with the Inspector's order, or vary the application of any provision of this code in hardship cases when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this code or the public interest, or when, in its opinion, the interpretation of the Inspector was wrong and should be modified or reversed. In hardship cases, a hardship peculiar to the appellant must be shown.

A decision of the City Council to extend the time for compliance with an order of the Inspector, or to vary the application of any provisions of this code, or to modify an order of the Inspector, shall specify in what manner such extension, variation, or modification is made, the conditions upon which it is made, and the reasons therefor.

Every such decision of the City Council shall be in writing, and shall be promptly filed in the office of the Inspector, and shall be open to public inspection; a certified copy shall be sent by mail, or otherwise, to the appellant.

If a decision of the City Council reverses or modifies a refusal, order, or disallowance of the Inspector, or varies the application of any provision of this code, the Inspector shall immediately take action in accordance with such decision.

Provided, however, that the above right of appeal to the City Council shall not be construed to prevent an owner or other party in interest from exercising the following right of petition for judicial review of an order of the Inspector, as provided by N. C. G. S. 160-187.

Section 9. That all ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed.

Section 10. That this ordinance shall be in full force and effect fifteen days after date of publication.

I move the adoption of the foregoing ordinance, this 7 day of November, 1968.

C. E. Morgan
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 21 day of November, 1968, to become effective the 6 day of December, 1968.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

Robertson Wall
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

MODEL CITIES - CITY APPLICATION APPROVED

The City Manager advised the Council that a telegram had been received from Robert Weaver of the Department of Housing and Urban Development that Asheville has been selected to participate in the Model Cities Program.

POLICE COURT - REPORT OF CITY MANAGER

The City Manager advised the Council that the investigation in to procedural operation of the Police Court has begun, and, in responce to a question from Councilman Algary, gave a brief summary of how this matter came to his attention and explained the need for the investigation.

MUNICIPAL VEHICLE BONDS ORDINANCE

CouncilmanMorgan introduced in written form the following ordinance authorizing bonds which was read:

ORDINANCE AUTHORIZING
$660,000 MUNICIPAL VEHICLE BONDS

BE IT ORDAINED by the Council of the City of Asheville:

Section 1. That, pursuant to The Municipal Finance Act, 1921, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Municipal Vehicle Bonds in an aggregate principal amount not exceeding $660,000 for the purpose of providing funds, with any other available funds, for acquiring vehicles for use by the municipal transit system.

Section 2. That a tax sufficient to pay the principal of and the interest on said bonds shall be annually levied and collected.

Section 3. That a statement of the debt of the City has been filed with the Clerk and is open to public inspection.

Section 4. That this ordinance shall take effect when approved by the voters of the City at an election as provided in said Act.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Thereupon, upon motion of Councilman McRary, seconded by Councilman Mulvaney, the ordinance entitled: "ORDINANCE AUTHORIZING $660,000 MUNICIPAL VEHICLE BONDS" as hereinabove set forth, was passed upon its first reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Sumner, Morgan, and Mayor Eller

Nays: None.

DDB082

CITY MANAGER DESIGNATED TO PREPARE AND FILE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION

Thereupon Councilman Algary introduced in written form the following resolution which was read:

RESOLUTION DESIGNATING THE CITY MANAGER TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the City Manager be and he is hereby designated as the officer who shall prepare and file with the City Clerk the sworn statement of the indebtedness and assessed valuation of the City of Asheville which The Municipal Finance Act, 1921, as amended, requires to be filed after the introduction and before the passage of bond ordinances.

Section 2. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman McRary, seconded by Councilman Sumner, the foregoing resolution entitled: "RESOLUTION DESIGNATING THE CITY MANAGER TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Sumner, Morgan, and Mayor Eller.

Nays: None

Thereupon the City Manager filed with the City Clerk, in the presence of the Council, the statement of indebtedness and assessed valuation as so required, which statement is attached to and made a part of these minutes.

STATEMENT OF DEBT AND ASSESSED VALUATION

STATEMENT OF DEBT AND ASSESSED VALUATION OF THE CITY OF ASHEVILLE, NORTH CAROLINA, MADE PURSUANT TO THE MUNICIPAL FINANCE ACT, 1921, AS AMENDED.

I, Phin Horton, III, City Manager of the City of Asheville, North Carolina, having been designated by the Council of said City to make and file with the City Clerk a statement pursuant to The Municipal Finance Act, 1921, as amended, DO HEREBY CERTIFY that the following is a true statement of said City as shown by the books in my office, not taking into consideration any debt incurred in anticipation of the collection of taxes or in anticipation of the sale of bonds:

(a) GROSS DEBT

a(1) Outstanding debt, not evidenced by bonds (Bond Anticipation Notes) $1,700,000

a(2) Outstanding bonded debt:

Date of Issue	Designation	Amount
July 1, 1936	Water Refunding	$2,480,796
July 1, 1936	General Refunding	7,324,485
July 1, 1936	Beaverdam Water & Sewer Dist.	130,872
July 1, 1936	Caney Valley Water & Sewer Dist.	5,716
July 1, 1936	E. Biltmore Sanitary Sewer Dist.	6,000
July 1, 1936	Fairview Sanitary Sewer Dist.	None
July 1, 1936	Hazel Ward Water & Watershed Dist.	None
July 1, 1936	S. Buncombe Water & Watershed Dist.	46,835
July 1, 1936	Swannanoa Water & Sewer Dist.	213,768
Dec. 1, 1951	Water Bond of 1951	1,835,000
Dec. 1, 1957	Airport Bonds 1st Series	500,000
June 1, 1960	Airport Bonds 2nd Series	20,000
Nov. 1, 1961	Water Bonds of 1961	3,870,000
June 1, 1964	Grade Separation Bonds	170,000
June 1, 1966	Public Improvement Bonds	440,000
	TOTAL BONDED DEBT	$17,043,472.00

a(3) Bonded debt to be incurred under ordinances passed on October 19, 1967:

Auditorium Bonds	$ 3,000,000
Redevelopment Bonds	700,000
Civic Arts Center Bonds	1,300,000

Bonded debt to be incurred under ordinance passed on November 21, 1967:

Municipal Vehicle Bonds	660,000	
		5,600,000

(a) GROSS DEBT, being the sum of a(1), a(2) and a(3) ..... $ 24,403,472

(b) DEDUCTIONS

b(1) Unissued funding or refunding bonds included in Gross Debt ..... $ None

b(2) Sinking funds or other funds held for the payment of any part of the gross debt other than debt incurred for schools, water, gas, electric light or power purposes or two or more of said purposes ..... $ 2,803,000

b(3) Uncollected special assessments heretofore levied on account of local improvements for which any part of the gross debt was or is to be incurred, and which will be applied when collected to the payment of some part of the gross debt ..... $ None

b(4) Amount, as estimated by the City Manager, of special assessments to be levied on account of local improvements for which any part of the gross debt was or is to be incurred and which when collected will be applied to the payment of some part of the gross debt ..... $ None

b(5) Bonded debt included in gross debt and incurred or to be incurred for water, gas, electric light or power purposes or two or more of said purposes ..... $ 8,185,796.

b(6) The amount which the City will be entitled to receive from any railroad or street railway company under contract heretofore made for payment by such company of all or a portion of the cost of eliminating a grade crossing or crossings within the City, which amount will be applied, when received, to the payment of some part of the gross debt ..... $ None

b(7) Indebtedness included in gross debt and incurred for school purposes ..... $ None

(b) DEDUCTIONS, BEING THE SUM OF B(1), b(2), b(3), b(4), b(5), b(6) and b(7) ..... $ 10,988.76

(c) NET DEBT

(c) NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b) ..... $ 13,616,676

(d) ASSESSED VALUATION

(d) ASSESSED VALUATION of property as last fixed for municipal taxation, being the valuation fixed in 1968 ..... $ 211,436,000 Est.

(e) DEBT RATIO

(e) Percentage which the net debt bears to said assessed valuation ..... 6.34 %

The foregoing statement is true.

Phin. Horton, III
City Manager of the
City of Asheville

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE) ss

Subscribed and sworn to before me this 21st day of November, 1968.

Lillian Ducker
Notary Public

My commission expires: Dec. 16, 1968 (Seal)

I, Margaret Simmons, City Clerk of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement filed with me at a meeting of the City Council of said City on November 21, 1968, after the introduction and before the passage of an ordinance authorizing $660,000 Municipal Vehicle Bonds of said City, and that said statement is open to public inspection in my office.

WITNESS my hand and the corporate seal of said City, this 21 day of November, 1968.

(Seal)

Margaret Simmons
City Clerk

Thereupon, upon motion of Councilman Mulvaney, seconded by Councilman Algary, the requirement of the Charter that ordinances be read on three separate days was dispensed with by the following vote, being not less than two-thirds of the members of the Council:

Yeas: Councilmen McRary, Mulvaney, Algary, Sumner, Morgan, and Mayor Eller

Nays: None

Thereupon, upon motion of Councilman McRary, seconded by Councilman Mulvaney, the ordinance entitled: "ORDINANCE AUTHORIZING $660,000 MUNICIPAL VEHICLE BONDS", as hereinabove set forth, was read a second time and was passedupon its second reading by the following vote:

Yeas; Councilmen McRary, Mulvaney, Algary, Sumner, Morgan, and Mayor Eller

Nays: None.

MUNICIPAL VEHICLE BONDS - ORDINANCE

Thereupon, upon motion of Councilman McRary, seconded by Councilman Mulvaney, the ordinance entitled: "ORDINANCE AUTHORIZING $660,000 MUNICIPAL VEHICLE BONDS" as hereinabove set forth was read a third time and was passed upon its third and final reading by the following vote:

HAA 912

Yeas: Councilmen McRary, Mulvaney, Algary, Sumner, Morgan, and Mayor Eller

Nays: None.

Thereupon the ordinance entitled "ORDINANCE AUTHORIZING $660,000 MUNICIPAL VEHICLE BONDS" and the resolution entitled : "RESOLUTION DESIGNATING THE CITY MANAGER TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION" were authenticated by the signatures of the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said ordinance and said resolution his approval of the forms thereof.

CITY CLERK DIRECTED TO PUBLISH ORDINANCE

Thereupon, upon motion made by Councilman Mulvaney, seconded by Councilman Algary, and adopted, the City Clerk was directed to publish the ordinance entitled ""ORDINANCE AUTHORIZING $660,000 MUNICIPAL VEHICLE BONDS" in The Asheville Times, once in each of two successive weeks, and to publish at the foot of said ordinance the appended note as required by The Municipal Finance Act, 1921, as amended.

RESOLUTION CALLING SPECIAL BOND ELECTION

Thereupon Councilman Sumner introduced the following resolution which was read:

RESOLUTION CALLING A SPECIAL BOND ELECTION

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. A special bond election is hereby called to be held on Tuesday, January 7, 1969, between 6:30 A. M. and 6:30 P. M., at which there shall be submitted to the qualified voters of the City of Asheville the question stated in the notice of election set forth in Section 3 of this resolution.

Section 2. For said election the regular registration books for election in Buncombe County shall be used, and the registration books, process or records shall be open for the registration of voters and for public inspection in the manner and under the conditions and at the times and places set forth in the Notice of Special Bond Election hereinafter provided for. For said election the registrars and judges appointed by the County Board of Elections shall act as registrars and judges, respectively.

Section 3. Notice of said election shall be published in The Asheville Times, at least 30 days before the date hereinabove fixed for the closing of the registration books, and again not later than 20 days before the election, reading substantially as follows:

NOTICE OF SPECIAL BOND ELECTION
and
SUPPLEMENTAL REGISTRATION
in the
CITY OF ASHEVILLE, NORTH CAROLINA

A special bond election will be held between 6:30 A. M. and 6:30 P. M., Tuesday, January 7, 1969, at which there will be submitted to the qualified voters of the City of Asheville the following question:

> Shall an ordinance passed on November 21, 1968, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Municipal Vehicle Bonds in an aggregate principal amount not exceeding $660,000 for the purpose of providing funds, with any other available funds, for acquiring vehicles for use by the municipal transit system, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

The question hereinabove set forth contains a statement of the purpose for which the bonds are authorized by the ordinance referred to in such question.

If said bonds are issued a tax will be levied upon all taxable property in the City of Asheville for the payment of the principal of and the interest on said bonds.

For said election the regular registration books for elections in the County of Buncombe will be used and the registration books, process or records will continue to be open for the registration of voters and the acceptance of registration applications between 9:00 A. M. and 5:00 P. M. (except on Saturdays and Sundays), at the office of the County Board of Elections at the County Courthouse in Asheville.

The registrars will not attend the polling place except on the date of the election.

The registration books will be open to public inspection by any voter of the City, between 9:00 A. M., and 5:00 P. M. on Tuesday, December 17, 1968 and on each Tuesday thereafter prior to the election in the office of the County Board of Elections at the County Courthouse in Asheville, and each such Tuesday is Challenge Day.

Qualified voters who have voted in county-wide primary or general elections on or from November 5, 1968, and have not moved their residence from one precinct to another are registered under Buncombe County's permanent registration system.

The last day for new registration of those not now registered under Buncombe County's permanent registration system is Monday, December 16, 1968.

Qualified voters who have moved residence from one precinct or township to another and have not transferred their registration should contact the County Board of Elections at its office in the County Courthouse in Asheville, or any registrar in the County, and transfer their registration.

The last day for transferring registration is Monday, December 16, 1968.

Qualified voters who are not certain whether they are registered should contact the County Board of Elections at the office of said Board in Asheville mentioned above.

The registrars, special registration commissioners and judges appointed by the County Board of Elections will act as registrars, special registration commissioners and judges, respectively. The precincts, the names of the registrars, the names of the judges and the polling places are as follows:

PRECINCT	POLLING PLACE	REGISTRAR	JUDGES
1	Courthouse	Mrs. Juanita Hennessee	John L. Ingle Mrs. Frances Street
2	William Randolph School	John H. Hall	Robert L. Harrell Mrs. Reva H. Redmon
3	Claxton School	Mrs. Cecil Earp	Mrs. M. H. Saunders Mrs. Helen Bowers
4	North Asheville Community Center	Mrs. Eugene Bartlett	Mrs. L. E. Addington Mrs. Graham Price
5	Ira B. Jones School	Mrs. Mary M. Bermid	Mrs. Erma S. Coppedge Mrs. Luther Oates
6	Haw Creek School	Mrs. Mary Flynn	Mrs. Frank Farrell Mrs. Loraine K. Bosse
7	Newton School	Mrs. Martha Shaw	Tom Posey Richard B. Runyon
8	Biltmore School	Mrs. Edith G. Shuford	Mrs. Virginia Sudderth Mrs. Anne R. Echols
9	Oakley School	W. E. Yow	Paul Williams Jack McGuinn
10	Livingston Street School	Mrs. Willie Ford Hennessee	Eugene J. Smith Robert L. Black
11	South French Broad High School	Mrs. Mary Lee Redmon	Miss Ella Mae Smith Mrs. Corrie M. Harris
12	Hall Fletcher School	George Simpson	Mrs. Polly Bradley H. R. Logan
13	Eugene Rankin School	Mrs. Doris Fisher	Mrs. Fairlee Taylor Mrs. Marjorie Hagan
14	Aycock School	Mrs. Pauline Brinkley	R. M. Zimmerman Mrs. Beulah V. Mauldin
15	Vance School	Mrs. J. H. Parris	W. A. Goodson Mrs. Gwendolyn Hancock
16	New West Asheville Fire Station	Mrs. Grace B. Jones	Mrs. Richard Krickhan William W. Boyd
17	Asheville Art Museum, 325 Charlotte Street	Mrs. A. H. Jones	Miss Evelyn Whitaker Mrs. Charlotte Saenger

By order of the Council of the City of Asheville, this 21st day of November, 1968.

MARGARET SIMMONS
City Clerk

HAA 912

Section 4. The persons whose names are mentioned in the foregoing form of election notice are hereby appointed registrars and judges, respectively, for the polling places therein set forth, and the election shall be held at such polling places.

Section 5. The form of the question to appear in the ballot frame of the voting machines which are to be used at said election shall be substantially as follows:

YES NO SPECIAL BOND ELECTION TUESDAY January 7, 1969	Shall an ordinance passed on November 21, 1968, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Municipal Vehicle Bonds in an aggregate principal amount not exceeding $660,000 for the purpose of providing funds, with any other available funds, for acquiring vehicles for use by the municipal transit system, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

Section 6. The Municipal Board of Elections is hereby authorized and directed to perform all of the duties necessary for the calling and holding of said special bond election.

Section 7. The City Clerk is hereby directed to immediately certify a copy of this resolution to said Municipal Board of Elections.

Section 8. This resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman Morgan, seconded by Councilman McRary, the foregoing resolution entitled: "RESOLUTION CALLING A SPECIAL BOND ELECTION" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Sumner, Morgan, and Mayor Eller

Nays: None

Thereupon the resolution entitled: "RESOLUTION CALLING A SPECIAL BOND ELECTION" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

VANDERBILT APARTMENTS, INC. - RESOLUTION APPOINTING MEMBER OF BOARD OF DIRECTORS (HOMER BROOKS)

Councilman Morgan introduced a resolution appointing Director of Vanderbilt Apartments, Inc., which

was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 244.

BIDS - PICK-UP TRUCK

The City Manager advised that bids had been advertised for and received for a four-way pick-up truck: Sorrells and Swann, Inc. $2,734.42; Asheville International Truck Sales $2,944.54; Skyland Oldsmobile, Inc. $2,934.45; Matthews Motors, Inc. $2,791.72; and Parkland Chevrolet Co. $2775.74, and recommended that the bid be awarded to the lowest bidder, Sorrells and Swann.

Councilman Morgan moved that the bid be so awarded, which motion was seconded by Councilman McRary andunanimously adopted.

BIDS - COMBINATION TRACTOR-
LOADER & BACKHOE

The City Manager advised that bids had been advertised for and received for a combination tractor-loader and backhoe: Farm Equipment $8,446.18; Fitzpatrick & Sons Equipment Co. $9,179.25; Arden Equipment Co. $13,131.99; Blue Ridge Tractor & Implement Co. $14,723,90 and $12,707.11; and Mitchell Distributing Company $14,888.17; and recommended that the bid be awarded to Farm Equipment Co. of Asheville, Inc., the lowest bidder.

Councilman Algary so moved, which motion was seconded by Councilman Sumner and unanimously adopted.

ASHEVILLE AIRPORT - AMENDED
AGREEMENT WITH UNITED AIR LINES

The City Manager advised that an amendment was being negotiated with United Airlines in regard to certain services at the Airport.

BLUE RIDGE PARKWAY, NATIONAL PARK
SERVICE - AGREEMENT

The City Manager explained a resdution with the National Park Service in regard to providing access and developing certain recreational facilities on Bee Tree Watershed.

Councilman Algary then introduced a resolution authorizing Mayor to enter into negotiations with Blue Ridge Parkway, National Park Service for providing access and developing certain recreational facilities on Bee Tree Watershed, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 245

LOW-RENT HOUSING - HOUSING
AUTHORITY - APPLICATION APPROVED

The following resolution was introduced by Councilman Morgan, read in full and considered:

RESOLUTION APPROVING APPLICATION FOR LOW-RENT HOUSING

WHEREAS, it is the policy of this locality to eliminate sub-standard and other inadequate housing, to prevent the spread of slums and blight, and to realize as soon as feasible the goal of a decent home in a suitable living environment for all of its citizens; and

WHEREAS, under the provisions of the United States Housing Act of 1937, as amended, the UNITED STATES OF AMERICA (herein called the "Government") is authorized to provide financial assistance to local public housing agencies for undertaking and carrying out preliminary planning of low-rent housing projects and financial assistance in providing low-rent housing by leasing dwelling units in existing privately-owned structures, that will assist in meeting this goal; and

WHEREAS, the Act provides that there shall be local determination of need for low-rent housing to meet needs not being adequately met by private enterprise and that the Government shall not make any contract with a public housing agency for preliminary loans for surveys and planning in respect to any low-rent housing projects unless the governing body of the locality involved has by resolution approved the application of the public housing agency for such preliminary loan; and

WHEREAS, Section 23 of the Act provides that the provisions hereof shall not apply to any locality unless the governing body of the locality has by resolution approved the application of such provisions to such localities; and

WHEREAS, the Housing Authority of the City of Asheville (herein called the Local Authority") is a public housing agency and is applying to the Government for low-rent housing.

NOW, THEREFORE, be it resolved by the City of Asheville of North Carolina as follows:

1. There exists in the City of Asheville a need for such low-rent housing at rents within the means of low-income families.

2. The application of the Local Authority to the Government for a preliminary loan in an amount not to exceed $400,000 for surveys and planning in connection with low-rent housing projects of not to exceed approximately 1,000 dwelling units is hereby approved.

3. The application of provisions of Section 23 of the United States Housing Act of 1937, as amended, to City of Asheville.

Councilman Morgan moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Councilman McRary, andupon roll call the "Ayes" and "Nays" were as follows:

"AYES" Councilmen McRary, Mulvaney, Algary, Sumner, Morgan and Mayor Eller

"NAYS" None

The Mayor thereupon declared said motion carried and said resolution adopted.

WILBURN PLACE - TRAFFIC

Mr. Joseph L. Brady asked about the closing off of a portion of Wilburn Place in Wilshire Park, and was advised that this was done by the State Highway Commission, but that the City Manager would look into the matter.

Mr. Brady also inquired about the proposed Burger King in the area of Druid Drive, and was advised that the matter under consideration is a site plan, which site plan has been approved by the Planning and Zoning Commission, and the location is on the south side of the street.

ASHEVILLE-BUNCOMBE COUNTY YOUTH
COUNCIL - REQUEST FOR ICE SKATING RINK

Members of the Asheville-Buncombe County Youth Council petitioned the Council for an ice skating rink, and were advised by Councilman Algary, a member of the Advisory Committee, that it is not feasible because of the cost to put such a permanent rink into the proposed City Center, but that plans are under consideration for a portable rink if there is sufficient interest, and members of the Youth Council were requested to investigate the interest in such a rink. Mr. Joe Kowal spoke in favor of an ice skating rink.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Lemmond
CITY CLERK

Thursday, November 28, 1968 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

Margaret Lemmond
CITY CLERK

Thursday, December 5, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 5, 1968, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, Dr. Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, and City Manager Phin. Horton, III.

The minutes of the previous meeting were read and approved.

THOMS BROADCASTING COMPANIES, INC. -
REQUEST FOR AMENDMENT TO FRANCHISE - RESOLUTION

A letter was received from Thoms Broadcasting Companies, Inc. requesting that it be allowed to collect installation charges for cable television on an installment basis.

Following a discussion Councilman Mulvaney introduced a resolution authorizing collection of installation charges for cable television on an installment basis, which was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 247.

SITE PLAN - BURGER KING
CORPORATION - APPROVED

The City Manager advised that today is the date set for the public hearing on the site plan of the Burger King Corporation as shown on plans prepared by Scott B. Arnold, Architect, which plan has been approved by the Planning and Zoning Commission.

Councilman Morgan moved that said site plan be approved, which motion was seconded by Councilman Crouch and unanimously adopted.

BIDS - DEMOLITION OF HEART
OF ASHEVILLE MOTEL

The City Manager announced that bids had been received for the demolition and removal of the Heart of Asheville Motel as follows:

A. J. Hemphill Const. Co.	$3,795.00
Bodford Brothers	17,250.00
Constance & Burnette	4,100.00
G. E. Crouch	4,000.00
Perry Alexander Const. Co.	2,675.00
Buckman Brothers	4,722.00

and recommended that the bid be awarded to the lowest bidder, Perry Alexander Construction Company in the amount of $2.675.00.

PERRY M. ALEXANDER CONSTRUCTION
COMPANY - AWARDED CONTRACT FOR
DEMOLITION AND REMOVAL OF HEART
OF ASHEVILLE MOTEL

Councilman Morgan introduced a resolution awarding contract for demolition and removal of Heart of Asheville Motel, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 248

BIDS - PICK-UP TRUCK -
AWARDED TO PARKLAND CHEVROLET

The City Manager announced that bids had been received for a pick-up truck for the Sanitation Department:

Matthews Motors	$2,294.19
Parkland Chevrolet	2,267.91
Asheville International Truck Sales	2,411.43

and recommended that the bid be awarded to the lowest bidder, Parkland Chevrolet, in the amount of $2.267.91.

DDB082

Councilman Crouch so moved, which motion was seconded by Councilman McRary and unanimously adopted.

ASHEVILLE TRANSIT AUTHORITY - APPOINTMENT OF MEMBER (Richard M. Taylor)

Councilman Crouch introduced a resolution appointing member of the Asheville Transit Authority, which was, upon motion of Councilman Crouch, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 249.

ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL - APPOINTMENT OF MEMBER (Henry Flowers)

Councilman Morgan introduced resolution appointing member of Advisory Board for the Asheville-Buncombe County Youth Council, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 250.

WILBURN PLACE - TRAFFIC - REPORT OF CITY MANAGER

The City Manager presented a report from the Director of Public Works on the position of the State Highway Commission regarding closing of a portion of Wilburn Place.

TELEPHONE - ONE NUMBER FOR EMERGENCIES

Councilman Sumner discussed the use of one telephone number for emergency calls, and the City Manager advised he would discuss this matter with the Telephone Company and obtain some information.

BEAUCATCHER TUNNEL - CUT - DISCUSSION

Councilman Algary discussed the proposed cut through Beaucatcher Mountain, stating he thought the money had already been allotted for this, but that nothing had been done, and now he understood there was discussion about making this a part of I-40. Councilman Algary further stated he thought an immediate conference should be had with the Commissioner from this District, State Highway Chairman, and the Governor.

Councilman Crouch moved that the City Manager set up such a meeting, which motion was seconded by Councilman Morgan and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, December 12, 1968 - 4:00 o'clock P. M.

A regular meeting of the Council of the City of Asheville, North Carolina, was held at the City Hall, the usual place of meeting, at 4:00 o'clock P. M., December 12, 1968, with the following members present:

Mayor E. W. Eller, presiding, and Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, Dr. Robert P. Crouch, T. B. Sumner, C. E. Morgan.

Absent: None

The minutes of the previous meeting were read and approved.

ORDINANCE NO. 611 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

The Mayor announced that today is the date set for the public hearing on the request of Thomas J. Parker to rezone Lot 4-1/4, Sheet 22, Ward 9 from Residential to Neighborhood Trading Area.

There being no objection, Councilman Morgan introduced Ordinance No. 611, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

REDEVELOPMENT BOND ANTICIPATION NOTES

Councilman Sumner introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF $700,000 REDEVELOPMENT BOND ANTICIPATION NOTES

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $1,400,000 Redevelopment Bonds was passed on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held on December 5, 1967.

(b) That none of said bonds has been issued and that there are outstanding $700,000 Redevelopment Bond Anticipation Notes which were issued in anticipation of the proceeds of a like amount of said bonds, which notes are dated June 20, 1968, mature on December 20, 1968, and bear interest at the rate of 3.95% per annum.

(c) That the holder of said $700,000 notes, dated June 20, 1968, maturing on December 20, 1968 has consented to accept new notes in the principal amount of $700,000 in exchange for said outstanding notes, the new notes to be dated December 20, 1968, to mature on June 24, 1969 and to bear interest at the rate of 3.60% per annum.

Section 2. In anticipation of the receipt of the proceeds of a like amount of said bonds, the issuance of $700,000 negotiable notes of the City of Asheville, North Carolina, is hereby authorized, which notes shall be designated "Redevelopment Bond Anticipation Notes", shall be dated December 20, 1968, shall mature on June 24, 1968, without option of prior payment, shall consist of:

8 notes of the denomination of $5,000 each, numbered 1 to 8, inclusive,

6 notes of the denomination of $10,000 each, numbered 9 to 14, inclusive,

4 notes of the denomination of $25,000 each, numberdd 15 to 18, inclusive,

2 notes of the denomination of $50,000 each, numbered 19 and 20, and

4 notes of the denomination of $100,000 each, numberdc 21 to 24, inclusive,

and shall bear interest at a rate of 3.60% per annum, payable at the maturity of the notes to which no interest coupons shall be attached. Both the principal of and the interest on said notes shall be payable at North Carolina National Bank, in the City of Charlotte, North Carolina, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. Said notes shall be signed by the Mayor and the City Clerk and the corporate seal of the City shall be affixed to the notes, and said notes shall have endorsed thereon the written approval of the City Attorney, and the form of said notes and the endorsement to be placed upon the reverse of each note shall be substantially as follows:

No. _____ $_____

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE

Redevelopment Bond Anticipation Note

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer on the 24th day of June, 1969, the principal sum of

_____THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of three and sixty hundredths per centum (3.60%) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of and the interest on this note are payable at North Carolina National Bank, in the City of Charlotte, North Carolina, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts. For the prompt payment hereof, both principal and interest as the same become due, the full faith and credit of said City of Asheville are hereby irrevocably pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of a like amount of Redevelopment Bonds duly authorized by an ordinance passed by the Council of said City on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held, and this note is issued pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and a resolution duly passed by the Council of said City.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this note have happened, exist and have been performed in regular and due form and time as so required, and that the total indebtedness of said City, including this note, does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, said City of Asheville has caused this note to be signed by its Mayor and its City Clerk and the corporate seal of the City to be affixed hereto, all as of the 20th day of December, 1968.

_____
Mayor

_____
City Clerk

The issuance of this note is hereby approved.

_____
City Attorney

(To be endorsed upon the reverse of notes)

Local Government Commission Serial No. ...

The issuance of this note has been approved under the provisions of the Local Government Act of North Carolina.

H. E. BOYLES
Secretary, Local Government Commission

By: _____
Designated Assistant

Section 4. The Local Government Commission of North Carolina is hereby requested to exchange, through the State Treasurer, the $700,000 Redevelopment Bond Anticipation Notes dated December 20, 1968 and described in Sec-

DDB082

tion 2 of this resolution, par for par, for the $700,000 Redevelopment Bond Anticipation Notes dated June 20, 1968, maturing December 20, 1968, and bearing interest at the rate of 3.95% per annum.

Section 5. The action of the City Manager in applying to the Local Government Commission for the approval of the $700,000 Redevelopment Bond Anticipation Notes dated December 20, 1968 be and the same is hereby ratified and confirmed.

Section 6. This resolution, being a resolution directing administrative action shall take effect immediately.

Approved as to form:

_____
Mayor

_____
Corporation Counsel

_____
City Clerk

Thereupon Councilman Sumner moved the passage of the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $700,000 REDEVELOPMENT BOND ANTICIPATION NOTES" and Councilman Morgan seconded the motion and the resolution was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Crouch, Sumner, Morgan and Mayor Eller

Nays: None.

Thereupon the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $700,000 REDEVELOPMENT BOND ANTICIPATION NOTES" was authenticated by the signing thereof by the Mayor and the City Clerk and the Corporate Counsel endorsed upon said resolution his approval of the form thereof.

Complete copy of resolution will also be found in Resolution Book 5, pages 251, 252.

WORKABLE PROGRAM, REQUEST TO BE RECERTIFIED

The Mayor advised that it was necessary to ask the Department of Housing and Urban Development to recertify the City's Workable Program for Community Improvement.

Councilman Mulvaney then introduced a resolution authorizing Mayor to request the Department of Housing and Urban Development to recertify the City's workable program for Community Improvement under the Federal Housing Act of 1954, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5, page 253.

HOLIDAY SCHEDULE

The Council, on motion of Councilman Crouch, seconded by Councilman Sumner, approved a holiday schedule set up by the Institute of Government and designating as holidays New Year, Easter Monday, July 4th, Labor Day, Thanksgiving and Christmas, and if Christmas falls on Sunday or Monday holidays for city employees begin on Friday and run through Tuesday, and falling on other days of the week Christmas holidays would encompass three work days.

POLICE COURT - OPEN HEARING PROPOSED

Councilman Algary discussed the investigation now being conducted into the procedural operations of the Police Court, and suggested that an open hearing be provided to allow the public an opportunity to offer information concerning the investigation, said hearing to be conducted by those in charge of the investigation.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, December 19, 1968 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 19, 1968, at 4:00 o'clock P. M. with Vice-Mayor Mulvaney presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Dr. Robert P. Crouch, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

FLUORIDATION - DISCUSSION

A letter was received from Mrs. Nell Stroupe protesting the use of fluoride, calgon and caustic in the public water supply.

Miss Fannie McCoy also spoke against the use of these chemicals.

ASHEVILLE COUNCIL OF ARCHITECTS - SERVICES OFFERED

A letter was received from the Asheville Council of Architects offering their services to the Asheville Housing Authority in the development of low rent housing.

This was received as information by the Council.

ORDINANCE NO. 611 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 611, being "AN ORDINANCE AMENDING ORDINANCE # 322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman

DDB082

Crouch, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Crouch voted "aye" — Vice-Mayor Mulvaney voted "aye"

CITY COUNCIL - TIME OF WEEKLY MEETINGS

The City Manager advised that as requested by the Council a resolution had been prepared changing the time of the weekly meetings of the Council from 4:00 o'clock to 3:00 o'clock.

Councilman Morgan then introduced a resolution prescribing the time and day of the weekly meeting of the City Council, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 254.

INTER-CHURCH HOUSING ASSOCIATION - EASEMENT GRANTED TO

The City Manager explained a resolution granting an easement to the Asheville Inter-Church Housing Association for the development of certain low rent housing.

Councilman Sumner then introduced a resolution granting easement over city property to Asheville Inter-Church Housing Association, which was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 255.

BIDS - CHEMICALS FOR PUBLIC WATER SUPPLY

The City Manager advised that after due advertisement bids had been received for certain chemicals to be added to the public water supply as follows:

	Maryland Chemical Co.	Calgon Corp.	F.M.C. Corp	Jones Chemicals	Burris Chemicals	Ticar Chemical, Inc.
Liquid Chlorine 120,000 pounds	$7.00 $8,400.00			$7.00 $8,400.00		$7.00 $8,400.00
Sodium Hexametaphosphate 110,000 pounds	$11.65 $12,815.00	$11.00 $12,100 00	$11.00 $12,210.00	12.75 $14,025.00		10.97 $12,067.00
Caustic Soda 50% 400,000 pounds	2.96 $11,840.00			3.26 $6,520.00		$2.96 $5,920 00
Hydrofluosilic Acid 300,000 pounds				52.00 7,800 00	51.90 7,785.00	

and recommended that the bid be awarded to the lowest bidders Burris Chemicals, Inc. and Ticar Chemical, Inc.

Councilman Crouch moved that the bid be so awarded, which motion was seconded by Councilman McRary and unanimously adopted.

DEAN MATTHEWS - RESIGNATION AS DIRECTOR OF ASHEVILLE BUNCOMBE COUNTY METROPOLITAN PLANNING BOARD, ASHEVILLE PLANNING AND ZONING COMMISSION AND WESTERN NORTH CAROLINA REGIONAL PLANNING COMMISSION

The City Manager presented the resignation of Dean Matthews as Director of the Asheville Buncombe County Metropolitan Planning Board, the Asheville Planning and Zoning Commission and the Western North Carolina Regional Planning Commission.

Councilman Sumner moved that this resignation be accepted with regret, and that a letter be written Mr. Matthews expressing the appreciation of the Council for the work done by Mr. Matthews.

There being no further business, the meeting was adjourned until 3:00 P. M. on January 2, 1969.

VICE-MAYOR

CITY CLERK

Thursday, January 2, 1969 - 4:15 o'clock P. M.

Because of the funeral of Ralph Morris, a former Councilman, no quorum of the Council was present at 3 o'clock. The City Council met in regular session Thursday, January 2, 1969, at 4:15 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, J. W. McRary, Dr. Robert P. Crouch, F. M. Mulvaney, W. F. Algary, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

ORDINANCE #611 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance #611, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 611

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be zoned NEIGHBORHOOD TRADING AREA:

Lot 4-1/4, Sheet 22, Ward 9

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 12 day of December, 1968.

C. E. Morgan
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 2 day of January, 1969, to become effective 17 day of January, 1969.

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

MUNICIPAL BOARD OF ELECTIONS - APPOINTMENT OF MEMBERS (G. Edison Hill, Eugene Coston, Alan Shaw)

Councilman Morgan introduced a resolution appointing a Municipal Board of Elections for a period of two years, which was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 256.

BOND REFERENDUM - DISCUSSION

The City Manager called attention to the Municipal Vehicle Bond Referendum to be held on January 7th, and urged all members of the Council to actively support said referendum.

The City Manager further called attention to an editorial in the local press in which an error was made in the calculation of the tax which the bonds would entail, and urged that a correction be made of this error.

BOARDS AND COMMISSIONS - VACANCIES

The City Manager called attention to vacancies which exist on various Boards and Commissions appointed by the Council and requested that serious consideration be given to replacements.

MEMORIAL STADIUM - CONCESSION STAND - REQUEST OF DAD'S CLUB

Mr. Gilbert Sandon, representing the Dad's Club of Lee Edwards High School, presented the Council with a check for $500.00, which represented a payment on the lights at said stadium. Mr. Sandon requested that a new concession stand be erected at the stadium for the east stands.

The City Manager suggested that this request be considered in conjunction with a request for improvements at McCormick Field, and that the vocational class at the school might be able to provide the labor for the stand.

The Council requested the City Manager to look into the possibility of this and report back to the Council.

WATER DEPARTMENT MAINTENANCE CREWS AND OTHER DEPARTMENTS - APPRECIATION

Councilman Crouch moved that expression of appreciation be given to the Water Department Maintenance forces and other department forces who assisted in the recent breaks in the city water lines, which motion was seconded by Councilman McRary and unanimously adopted.

RALPH MORRIS - RESOLUTION TO BE PREPARED

The Corporation Counsel was requested to prepare a resolution on the death of Ralph Morris, a former member of the City Council.

REAL ESTATE DEVELOPERS - BUILDING PERMITS - DISCUSSION

Councilman Algary discussed the responsibility of developers for streets in their developments, particularly West Haith Drive, and suggested that building permits not be issued until streets have been properly provided.

There being no further business, Councilman Mulvaney moved that the meeting be adjourned until 3:00 o'clock P. M., Wednesday, January 8, 1969, which motion was seconded by Councilman McRary and unanimously adopted.

MAYOR

CITY CLERK

Thursday, January 8, 1969 - 3:00 o'clock P. M.

The Council of the City of Asheville, North Carolina, met in adjourned regular session at the City Hall, the usual place of meeting, at 3 o'clock P. M. on January 8, 1969.

Present: Mayor E. W. Eller, presiding, and Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, Robert P. Crouch, C. E. Morgan.

Absent: T. B. Sumner.

Also present: Phin Horton, III, City Manager, and Margaret Simmons, City Clerk.

The minutes of the previous meeting were read and approved.

MUNICIPAL VEHICLE BOND ELECTION - RESOLUTION CANVASSING RETURNS

Councilman Crouch introduced in written form the following resolution which was read:

RESOLUTION CANVASSING THE RETURNS OF THE SPECIAL BOND ELECTION HELD ON JANUARY 7, 1969, AND DETERMINING AND DECLARING THE RESULT THEREOF.

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the returns of the special bond election held on January 7, 1969, in the City of Asheville having been received from the proper election officers and having been canvassed, the Council has found and determined and does hereby declare:

(a) That each registrar and judge for said special bond election was duly qualified by law and had taken the necessary oath.

(b) That said election officers had incorporated in their returns not only the number of votes cast for and against the question submitted, but also the number of voters registered and qualified to vote in each precinct in said special bond election.

(c) That at said special bond election there was submitted to the qualified voters of said City the following question:

Shall an ordinance passed on November 21, 1968, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Municipal Vehicle Bonds in an aggregate principal amount not exceeding $660,000 for the purpose of providing funds, with any other available funds, for acquiring vehicles for use by the municipal transit system, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

(d) That no complaint has been made to the Council against the regularity of said election.

(e) That said election and the registration therefor were fully and properly held in accordance with law.

Section 2. That the following schedule correctly shows the designations of the several precincts at which said election was held and, as to each precinct, the location of the polling place, the number of voters registered and qualified to vote in each precinct, the number of votes cast in favor of the question submitted, the number cast against said question and the totals of such numbers:

Precinct	Polling Place	Voters registered and qualified to vote	Question Submitted	
			Votes for	Votes against
1	Court House	798	157	18
2	William Randolph School	2052	436	68
3	Claxton School	1965	413	61
4	North Asheville Community Center	1964	720	102
5	Ira B. Jones School	1990	714	116

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Precinct	Polling Place	Voters registered and qualified to vote	Question Submitted: Votes for	Question Submitted: Votes against
6	Haw Creek School	2297	419	169
7	Newton School	1513	367	71
8	Biltmore School	655	108	41
9	Oakley School	1162	117	145
10	Livingston Street School	1049	668	7
11	South French Broad High School	941	194	23
12	Hall Fletcher School	990	151	57
13	Eugene Rankin School	1194	184	68
14	Aycock School	1017	192	58
15	Vance School	2208	427	196
16	New West Asheville Fire Station	1654	339	132
17	Asheville Art Museum 325 Charlotte Street	131/	43/	66
	Totals	24826	6063	1398

Section 3. That from the canvass so made by this Council it is judicially determined and declared:

(a) That at said election 24826 voters were registered and qualified to vote.

(b) That at said election 6063 votes were cast for the ordinance passed on November 21, 1968, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Municipal Vehicle Bonds in an aggregate principal amount not exceeding $660,000 for the purpose of providing funds, with any other available funds, for acquiring vehicles for use by the municipal transit system, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 1398 votes were cast against said ordinance, that a majority of the qualified voters of said city voting thereon at said election voted in favor of said ordinance, and that said ordinance was thereby approved and is in force and effect.

Section 4. That the certified copy of the returns of said election, made by the registrars and judges and filed with the City Council, shall be filed in the archives of the City for public inspection.

Section 5. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman Crouch, seconded by Councilman McRary, the foregoing resolution entitled: "RESOLUTION CANVASSING THE RETURNS OF THE SPECIAL BOND ELECTIONHELD ON JANUARY /, 1969, AND DETERMINING AND DECLARING THE RESULT THEREOF" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Crouch, Morgan, and Mayor Eller

Nays: None

Thereupon the resolution entitled: "RESOLUTION CANVASSING THE RETURNS OF THE SPECIAL BOND ELECTION HELD ON JANUARY 7, 1969, AND DETERMINING AND DECLARING THE RESULT THEROEF" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

Thereupon Councilman Morgan introduced in written form the following resolution which was read:

RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD ON JANUARY 7, 1969.

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the Council has prepared and does adopt the following statement of the result of the special bond election held in the City of Asheville on January 7, 1969.

STATEMENT OF THE RESULT OF THE
SPECIAL BOND ELECTION
held in the
CITY OF ASHEVILLE, NORTH CAROLINA
on January 7, 1969

At a specizl bond election held in the City of Asheville on January 7, 1969, 24,826 voters were registered and qualified to vote.

At said election 6063 votes were cast for the ordinance passed on November 21, 1968, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Municipal Vehicle Bonds in an aggregate principal amount not exceeding $660,000 for the purpose of providing funds, with any other available funds, for acquiring vehicles for use by the municipal transit system, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 1398 votes were cast against said ordinance, and said ordinance was thereby approved and is in force and effect.

This statement is given by order of the Council of the City of Asheville, this 8th day of January, 1969.

Mayor

Councilmen

Section 2. That when the foregoing statement shall have been signed by a majority of the members of this Council and delivered to the City Clerk, the latter shall record it in the Ordinance Book of the City, and such statement shall be filed in the office of said City Clerk and published by said City Clerk once in The Asheville Times. A notice substantially in the following form shall be appended to the copy of the foregoing statement which is published:

TO THE CITIZENS AND TAXPAYERS OF THE CITY OF ASHEVILLE:

No right of action or defense founded upon the invalidity of the election mentioned in the foregoing statement shall be asserted, nor shall the validity of such election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of the foregoing statement.

MARGARET SIMMONS
City Clerk

Section 3. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman Morgan, seconded by Councilman Mulvaney, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD ON JANUARY 7, 1969" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Crouch, Morgan and Mayor Eller

Nays: None

Thereupon the resolution entitled "RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD ON JANUARY 7, 1969" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

GRANT AGREEMENT - UNITED STATES OF AMERICA, URBAN MASS TRANSPORTATION ADMINISTRATION

Councilman Mulvaney then introduced a resolution authorizing the execution of grant contract with the United States of America, Department of Transportation, Urban Mass Transportation Administration, Washington, D. C. (Re Project N. C.-UTG-1), which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 260.

MUNICIPAL VEHICLE BOND REFERENDUM - APPRECIATION TO THOSE WHO AIDED

Councilman Crouch introduced a resolution expressing appreciation to all those who aided in the successful passage of the Municipal Vehicle Bond Referendum, which was, upon motion of Councilman Crouch, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 261.

RALPH MORRIS - RESOLUTION IN MEMORY OF

Councilman Mulvaney introduced a resolution in memory of Ralph Morris, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of Resolution will be found in Resolution Book #5 at page 262.

BUNCOMBE COUNTY PLANNING COUNCIL - RESOLUTION APPOINTING MEMBER (Mrs. Fred Groce)

Councilman Morgan introduced a resolution appointing member to the Board of Directors of the Buncombe County Planning Council, which was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 263.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

HAA 912

Thursday, January 16, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, January 16, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, J. W. McRary, T. B. Sumner, Dr. Robert F. Crouch, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lot 64, Sheet 5, Ward 2 - Bruce J. Brown)

A letter was received from Bruce J. Brown requesting the rezoning of Lot 64, Sheet 5, Ward 2.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lots 313, 314, 315, 318, 319, 356, 232, Sheet 16, Ward 6, George E. Cowan

A letter was received from the Planning and Zoning Commission on the request of George E. Cowan recommending that the property remain as it is now zoned.

January 16, 1969

Honorable Mayor and
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held January 8, 1969, the following action was taken on the request of Mr. George E. Cowan:

It was moved, seconded, and unanimously passed that the Commission recommend that the zoning request be denied and the property remain as it is now zoned.

Respectfully,

S/ Anthony Redmond
Anthony Redmond
Secretary

Ar/nr

This was received as information by the Council.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Portion of Lot 242, Sheet 13, Ward 8, Clyde E. Braboy)

A letter was received from the Planning and Zoning Commission recommending that the portion of Lot 242, Sheet 13, Ward 8 immediately to the west of Lot 242-1/4 be rezoned from RA-6 Residential District to Neighborhood Trading Area.

January 16, 1969

Honorable Mayor and
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held January 8, 1969, it was unanimously recommended that the following described property of Clyde E. Braboy be rezoned from RA-6 Residential District to Neighborhood Trading Area:

Being a portion of Lot 242, Sheet 13, Ward 8 immediately to the west of Lot 242-1/4 of said sheet and ward, measuring approximately 295 feet on its northern line and 358 feet on its southern line and more particularly described as follows:

BEGINNING at the common corner of Lots 243, 248 and 242 of Sheet 13, Ward 8, thence with the common line of Lots 242 and 248 in a Northerly direction approximatelly 166 feet to the Southwest corner of Lot 241-1/2; thence with the Northern line of Lot 242 approximately 295 feet to the Eastern line of Lot 242-1/4; thence with the western line of Lot 242-1/4 and a new line approximately 195 feet to the southern line of Lot 242; thence with the southern line of said Lot 242 approxiomately 358 feet to the point of BEGINNING.

Respectfully,

S/ Anthony Redmond
Anthony Redmond,
Secretary

Ar/nr

Councilman Crouch moved that the recommendation of the Planning and Zoning Commission be accepted, and the City Clerk be authorized to give notice of a public hearing on same, at which time an ordinance complying with the recommendation would be presented, which motion was seconded by Councilman Morgan and unanimously adopted.

PLAT - SMITH CIRCLE SUBDIVISION - APPROVED UNDER ORDINANCE 424

A letter was received from the Planning and Zoning Commission recommending the approval of a plat of Smith Circle Subdivision.

January 16, 1969

Honorable Mayor and
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The accompanying plat, Smith Circle Subdivision which was prepared by Carter & Bearden, Engineers, for Carrol W. and Jane W. Smith, has been submitted for approval of the City Council in accordance with Subdivision Regulations, Ordinance No. 424.

This plat in preliminary form was approved by the Asheville Planning and Zoning Commission on January 8, 1969,. The final plat has been reviewed for compliance with the Ordinance and is recommended to you for approval.

Respectfully,

S/ Dean Y. Matthews
Dean Y. Matthews
Executive Director

DYM/nr

Councilman Morgan moved that the above plat be approved in accordance with the requirements of Subdivision Ordinance 424, which motion was seconded by Councilman Mulvaney and unanimously adopted.

METROPOLITAN SEWERAGE DISTRICT BOARD - APPOINTMENT OF MEMBER (C. LeRoy Robinson)

Councilman Sumner introduced a resolution appointing member to the Metropolitan Sewerage District Board, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 264.

RECREATION BOARD FOR ASHEVILLE - APPOINTMENT OF MEMBER (Dr. Wayne Montgomery)

Councilman Mulvaney introduced a resolution appointing member of Recreation Board for Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 265

SINKING FUND COMMISSION FOR BUNCOMBE COUNTY - APPOINTMENT OF COMMISSIONER NUMBER TWO (Bretney Smith)

Councilman McRary introduced a resolution reappointing Bretney Smith as Commissioner Number Two of the Sinking Fund Commission for Buncombe County, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 266.

DOROTHY J. KEATING, WIDOW - RESOLUTION AUTHORIZING PURCHASE OF PROPERTY FROM

Councilman Morgan introduced a resolution authorizing the purchase of Lot 126 1/4, Sheet 1, Ward 3 from Dorothy G. Keating, widow, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 267.

NORTH FORK WATERSHED - AGREEMENT CORRECTING IRREGULARITIES IN PROPERTY LINE

Councilman Crouch introduced a resolution authorizing execution of agreement correcting certain irregularities in the property line at the North Fork Water Shed, which was, upon motion of Councilman Crouch, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 268.

BIDS - CARS FOR WESTERN NORTH CAROLINA REGIONAL PLANNING COMMISSION

The City Manager announced that bids had been received, after due advertisement, for two cars for the Western North Carolina Regional Planning Commission as follows:

Matthews Motors, Inc.	$6,114.36
Parkland Chevrolet Co.	5,953.32
Harry's Cadillac Pontiac Co.	5,664.84
Glover Motor Co.	6,276.86

advising that the lowest bid did not comply with specifications, and recommending that the bid of Parkland Chevrolet Co. be accepted.

Councilman Crouch moved that this be done, which motion was seconded by Councilman McRary and unanimously adopted.

RICHMOND HILLS GOLF COURSE - SURVEY - B. S. COLBURN & CO.

The City Manager discussed the Richmond Hills Golf Course, and the necessity for establishing the

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center lines of the holes, advising that because of the press of work city engineering forces had not been able to do this, and recommending the employment of B. S. Colburn & Co., consulting engineers to do this work.

Councilman Crouch moved that this firm be employed and paid out of funds set aside for this golf course, which motion was seconded by Councilman Mulvaney and unanimously adopted.

RECRUITING TRIP - REPORT OF CITY MANAGER

The City Manager gave a brief report of a recruiting trip he had recently taken, advising that the city is going to have to offer higher salaries and planning ways to finance an adequate retirement system to attract competent department heads.

WATER DEPARTMENT - REPORT OF CITY MANAGER

Councilman Sumner again discussed the investigation being made into the operation of the Water Department, and the City Manager gave a brief resume of certain percentage figures which have been developed, advising that an engineering study will have to be made, which will be an expensive study.

HOUSING AUTHORITY OF THE CITY OF ASHEVILLE - APPOINTMENT OF MEMBER (James C. Wilson)

The Mayor announced the appointment of James C. Wilson, 16 Gertrude Place, to fill a vacancy on the Housing Authority of the City of Asheville.

ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL - REPORT ON ICE SKATING

A representative of the Asheville Buncombe County Youth Council gave a brief report on the survey made by said Council of interest in an ice skating rink.

DECALS ON CITY OWNED VEHICLES AUTHORIZED

The City Manager suggested that decals be ordered to go on all of the city owned vehicles to make them identifiable, advising that this would uplift the morale of employees and give citizens the opportunity to express satisfaction or dissatisfaction with the operation of said vehicles.

Councilman Crouch moved that the Council approve these decals and asking the City Manager to implement the program as he sees fit, which motion was seconded by Councilman McRary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, January 23, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, January 23, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, T. B. Sumner, J. W. McRary, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT REQUESTED (Portion of Lot 174-1/4, Sheet 16, Ward 2, 125 feet of Lot 174

A letter was received from Frank M. Parker requesting the rezoning of the rear portion of Lot 174-1/4, Sheet 16, Ward 2, and a letter from Mrs. McLeod Patton requesting the rezoning of an additional 125 feet of Lot 174, Sheet 16, Ward 2.

These requests were referred to the Planning and Zoning Commission for study and recommendation.

BUDGET - MODEL CITIES

The City Manager advised that representatives of the Model Cities Selection Board wished to present an interim budget request for establishing the Model Cities Program, particularly the selection of a committee, which budget was in the amount of $9,160.00, and that he recommended favorable action on the request authorizing expending an amount up to $9,160 00 from the contingency fund, if and when a letter is received from HUD which would commit Hud to 80% of the money.

Councilman Mulvaney moved that the City Manager proceed with his recommendation, which motion was seconded by Councilman Morgan and unanimously adopted.

STREET PAVING AUTHORIZED - BETHESDA ROAD, BUCHANAN ROAD, CHURCH ROAD, HARNETT STREET, IRVING STREET, KILLIAN LANE, MERION DRIVE, OAK HILL DRIVE, POWERS DRIVE, UNNAMED ALLEY RUNNING OFF OAKLEY ROAD, ALLEY RUNNING FROM FRENCH BROAD AVENUE TO ORA STREET, AND ALLEY RUNNING WEST FROM AMBLER ROAD

The City Manager advised that in order to assess abutting property owners for street improvements it was necessary to pass a resolution authorizing said improvements.

Councilman Morgan then introduced a resolution designating improvements under Article 9, Chapter 160 of the General Statutes for the paving of Bethesda Road, Buchanan Road, Church Road, Harnett Street, Irving Street, Killian Lane, Merion Drive, Oak Hill Drive, Powers Drive, unnamed alley running off Oakley Road, alley running from French Broad Avenue to Ora Street, and alley running west from Ambler Road, which was, upon motion

of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 269, 270.

ASHEVILLE-BILTMORE COLLEGE - RECOMMENDATION BE INCLUDED AS PART OF THE UNIVERSITY OF NORTH CAROLINA

A resolution supporting the recommendation of the Governor and Board of Trustees of the University of North Carolina to include Asheville-Biltmore College as a part of the University of North Carolina was signed by all members of the Council present and unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 271.

ASHEVILLE TRANSIT AUTHORITY - EXPRESSION OF GRATITUDE

The City Manager advised that he, Mayor Eller and members of the Asheville Transit Authority planned a trip to Washington on February 3rd to express gratitude to members of the House and Senate who assisted in obtaining new transit system for the city.

CITY-COUNTY MANAGERS SEMINAR - CITY MANAGER TO ATTEND

The City Manager advised that he would attend the City-County Managers Seminar to be held at the Institute of Government at Chapel Hill February 5 through 7th.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, January 30, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, January 30, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, J. W. McRary, T. B. Sumner, City Manager Phin. Horton, III, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

ASHEVILLE-BILTMORE COLLEGE - APPRECIATION

A letter was received from Asheville-Biltmore College expressing appreciation for the resolution of the City Council endorsing the proposal to make Asheville-Biltmore College a part of the University of North Carolina.

NORTH FORK WATERSHED - CONTRACT WITH GARLAND AUTRY COVERING SALE AND REMOVAL OF PULPWOOD

Councilman Morgan introduced a resolution authorizing execution of contract with Garland Autry covering the sale and removal of pulpwood on North Fork Watershed, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 272.

WILSON, CARY D. JR. - APPOINTED MANAGER OF CITY CENTER

The City Manager announced the employment of Cary D. Wilson, Jr. as manager of the City Center.

Councilman Sumner discussed whether or not the Council should be advised of negotiations the City Manager was having with prospective heads of city departments, especially where a substantial increase in salary was contemplated.

The City Manager advised that he felt it was necessary that he be free to negotiate, in order to secure competent department heads.

Following the discussion, Councilman McRary moved that the Council back the City Manager, which motion was seconded by Councilman Mulvaney and unanimously adopted.

FLUORIDE - REPORT FROM ST. PETERSBURG

A letter was received from the City of St. Petersburg, Florida, in which it was stated that their records do not indicate any adverse effects to their distribution system pipes, pumps or other equipment which may be attributed to fluoridation of the water.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, February 6, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, February 6, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, Dr. Robert P. Crouch, J. W. McRary, C. E. Morgan, T. B. Sumner, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved, except Councilman Sumner asked that the minutes be corrected to show that he was not criticizing the City Manager's employment of the new manager of the auditorium, but only that he felt as a matter of policy the Council should be consulted before such employees are hired where there would be an increase in the budget.

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PLAT - BEAVERBROOK - Referred back to Planning and Zoning Commission

A letter was received from the Planning and Zoning Commission recommending approval of a plat of "Beaverbrook" under subdivision ordinance 424.

February 5, 1969

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled Beaverbrook", prepared by Ashley Engineering Company dated January 1969, shows the subdivision of the property of the Imperial Land Company on the east side of Fairecrest Road approximately 400 feet north of Beaverdam Road. The land lies outside the City Limits of Asheville but within one mile thereof.

The Planning and Zoning Commission at its regular meeting on November 6, 1968, gave approval to the preliminary plat. It is recommended that the City Council give this plat final approval.

Sincerely yours,

S/ Gerald K. Taylor, Jr.
Gerald K. Taylor, Jr.
for the Asheville Planning
and Zoning Commission

Enclosure

Dr. W. P. Shattuck, representing a group of citizens, appeared in opposition to the approval of said plat.

Mr. K. A. Parton spoke for the approval of the plat.

Following the discussion, the plat was referred back to the Planning and Zoning Commission, in order to give adjoining property owners an opportunity to be heard.

ORDINANCE NO. 612 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED

The Mayor announced that today is the date set for a public hearing on the proposed rezoning of a portion of Lot 242, Sheet 13, Ward 8.

There being no objection, Councilman Morgan introduced Ordinance No. 612, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, WHICH was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

BIDS - SEVEN TRUCKS FOR SANITATION DEPARTMENT - AWARDED TO MATTHEWS MOTORS

The Mayor announced that after due advertisement bids had been received for seven trucks for the Sanitation Department as follows:

Parkland Chevrolet, Inc.	$16,560.85
Matthews Motors, Inc.	16,070.47
Asheville International Truck Sales	18,289.38

Councilman Sumner moved that the bid be awarded to Matthews Motors, Inc., the lowest bidder, which motion was seconded by Councilman Morgan and unanimously adopted.

MODEL CITIES, METROPOLITAN GOVERNMENT, FLUORIDATION - Miss McCoy

Miss McCoy spoke in opposition to the Model Cities program, metropolitan government and fluoridation of the public water supply.

McCORMICK FIELD - RENOVATIONS REQUESTED

Mr. Marvin Lorenz, General Manager of the Asheville Tourists baseball club, requested that action be taken as soon as possible to revamp and improve McCormick Field for the coming season.

The Council assured him of full cooperation in this matter.

CITY CENTER - EMPLOYMENT OF MANAGER - CRITICISM BY E. R. McCARTHY

Mr. E. R. McCarthy criticized the employment of out of town personnel in city jobs, suggested restricting the hiring of a city manager and departmental heads to local citizens until and unless public discussion indicates no local candidates are available, and suggested a law providing public voter approval before the city can enter into any individual Federal program which will require matching funds from local taxes.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, February 13, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, February 13, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, T. B. Sumner, J. W. McRary, Dr. Robert P. Crouch, City Manager Phin. Horton, III, and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

FLUORIDATION - MRS. STROUPE

A letter was received from Mrs. Nell Stroupe regarding fluoridation of the public water supply.

TRANSIT AUTHORITY - RESOLUTION RE PURCHASE OF SUBURBAN COACH LINES

A resolution was received from the Asheville Transit Authority requesting and recommending that the City of Asheville purchase the rights and equipment of the Suburban Coach Lines for the sum of $42,500.00.

ORDINANCE NO. 612 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 612, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED, was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yes"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

LAWRENCE C. STOKER d/b/a SUBURBAN COACH LINES - LEASE AND OPTION

Councilman Morgan introduced a resolution authorizing execution of lease and option with Lawrence C. Stoker d/b/a Suburban Coach Lines, providing for the leasing of busses and certain franchises with the option to purchase the same, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 273.
Complete copy of Agreement will be found attached to original resolution.

OFF-STREET PARKING - RELEASE OF PART OF LOT 242 1/2, Sheet 1, Ward 1, from LEASE BETWEEN ELIZABETH MOSS HARRIS AND HUSBAND, HENRY H. HARRIS

Councilman Mulvaney introduced a resolution authorizing the execution of a release of a part of Lot 242 1/2, Sheet 1, Ward 1 from the lease hereinbefore entered into between the City of Asheville as Lessee and Elizabeth Moss Harris and husband Henry H. Harris, as Lessors, which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 274.
Copy of release will be found attached to original resolution

BIDS - CARS FOR POLICE DEPARTMENT

The City Manager advised that, after due advertisement, bids had been received for the purchase of eight police cars:

Matthews Motors, Inc.	$15,926.44
Parkland Chevrolet	17,230 26
Glover Motors	16,423.64

and recommended that the award be made to the lowest bidder, Matthews Motors, Inc.

Councilman Crouch moved that the bids be so awarded, which motion was seconded by Councilman McRary and unanimously adopted.

ORDINANCE NO. 613 - AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO PROCLAIM THE EXISTENCE OF A STATE OF EMERGENCY AND TO IMPOSE CERTAIN RESTRICTIONS DURING THE SAME

The City Manager advised that he was not expecting any emergency but in the interest of preparedness recommended consideration of the passage of an ordinance which would authorize the Mayor to proclaim the existence of a state of emergency and impose certain restrictions.

Councilman McRary then inrdoduced Ordinance No. 613, being "AN ORDINANCE AUTHORIZING THE MAYOR TO PROCLAIM THE EXISTENCE OF A STATE OF EMERGENCY AND TO IMPOSE CERTAIN RESTRICTIONS DURING THE SAME", which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

WATER DISTRIBUTION SYSTEM WITHIN BENT CREEK SUBDIVISION - RESOLUTION AUTHORIZING SALE

Councilman Crouch introduced a resolution authorizing the sale of the City of Asheville's existing water distribution system within the Bent Creek Subdivision, which was, upon motion of Councilman Crouch, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 275.

ERNEST JUSTICE WARD, JR. - APPOINTED DIRECTOR OF WATER AND SEWER BILLING SERVICE DEPARTMENT

The City Manager announced the appointment of Ernest Justice Ward, Jr. to serve as Director of the Water and Sewer Billing Service Department.

OUT OF TOWN PERSONNEL - EMPLOYMENT OF - PROTEST OF L. B. WOMACK

Mr. L. B. Womack spoke against the employment of out of town personnel in city departments.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, February 20, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, February 20, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Robert P. Crouch, F. M. Mulvaney, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

ERNEST J. WARD, JR. - RESOLUTION OF ROCKY MOUNT COMMENDING

A resolution was received from the City of Rocky Mount commending Mr. Ernest J. Ward, Jr.

ORDINANCE NO. 612 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 612, being "AN ORDINANCE AMENDING ORDINANCE # 322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yes"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 612

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned from RA-6 Residential District to NEIGHBORHOOD TRADING AREA:

Being a portion of Lot 242, Sheet 13, Ward 8 immediately to the West of Lot 242-1/4 of said sheet and ward, measuring approximately 295 feet on its northern line and 358 feet on its southern line and more particularly described as follows:

BEGINNING at the common corner of Lots 243, 240 and 242 of Sheet 13, Ward 8, thence with the common line of Lots 242 and 240 in a Northerly direction approximately 166 feet to the Southwest corner of Lot 241-1/2; thence with the Northern line of Lot 242 approximately 295 feet to the Eastern line of Lot 242-1/4; thence with the eastern line of Lot 242-1/4 and a new line approximately 195 feet to the southern line of Lot 242; thence with the Southern line of said Lot 242 approximately 358 feet to the point of BEGINNING.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 6 day of February, 1969.

C. E. Morgan
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

DDB082

Read, approved and adopted, this 20 day of February, 1969, to become effective 7 day of March, 1969.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

Margaret Simmons
CITY CLERK

Robertson Wall
CORPORATION COUNSEL

BEAVERBROOK - PLAT APPROVED UNDER SUBDIVISION ORDINANCE 424

The Mayor advised that an agreement had been reached between the developer of Beaverbrook and the adjoining property owners.

Councilman McRary then moved that the plat of Beaverbrook be approved under the provisions of Subdivision Ordinance 424, which motion was seconded by Councilman Sumner and unanimously adopted.

ORDINANCE NO. 613 - AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO PROCLAIM THE EXISTENCE OF A STATE OF EMERGENCY AND TO IMPOSE CERTAIN RESTRICTIONS DURING THE SAME

Ordinance No. 613, being "AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO PROCLAIM THE EXISTENCE OF A STATE OF EMERGENCY AND TO IMPOSE CERTAIN RESTRICTIONS DURING THE SAME", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

WATER RATES - RESOLUTION ASKING FOR REPEAL OF CHAPTER 399, PUBLIC-LOCAL LAWS 1933

A resolution entitled "RESOLUTION TO THE LOCAL DELEGATION OF THE NORTH CAROLINA GENERAL ASSEMBLY REGARDING CHAPTER 399, PUBLIC-LOCAL LAWS 1933, 'AN ACT TO REGULATE CHARGES MADE BY THE CITY OF ASHEVILLE FOR WATER CONSUMED IN BUNCOMBE COUNTY WATER DISTRICTS'" was signed by all members of the Council and unanimously adopted.
Complete copy of resolution will be found in Resolution Book #5 at page 276.
Miss McCoy spoke regarding said resolution.

Mrs. Roy Rogers presented a number of water bills which she said were too high.

STATE HIGHWAY COMMISSION - RESOLUTION AUTHORIZING PAYMENT OF DAMAGES BY CITY OF ASHEVILLE IN EVENT OF CITY'S DELAY IN MEETING CERTAIN SPECIFIED ALTERNATE 16-INCH WATER LINE INSTALLATION DATES

Councilman Frank Mulvaney introduced a resolution authorizing the payment of damages by the City of Asheville to the N. C. State Highway Commission in the event of the City's delay in meeting certain specified alternate 16-inch water line installation dates, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 277.

BIDS - GASOLINE - AWARDED TO SINCLAIR OIL CORPORATION

The City Manager advised that, after due advertisement, bids had been received for the city's annual supply of gasoline:

Gulf Oil Corporation	$78,987.50
Sinclair Oil Corporation	75,500.00
Humble Oil & Refining Co.	78,350.00
Texaco Oil Corporation	80,312.00

and recommended that the bid be awarded to the lowest bidder, Sinclair Oil Corporation.

Councilman Crouch moved that the bid be so awarded, which motion was seconded by Councilman Morgan and unanimously adopted.

SNOW REMOVAL - COMMENDATION OF CITY DEPARTMENTS

The City Manager called attention to the excellent job of snow removal performed by city employees over the past weekend, and Councilman Crouch moved that the Council go on record as commending the city departments responsible for said snow removal, which motion was seconded by Councilman McRary and unanimously adopted.

EMPLOYMENT OF OUT-OF-TOWN PERSONNEL

Miss McCoy spoke against the employment of out-of-town personnel in city departments, and asked for the removal of the City Manager from office.

DOGWOOD GROVE ROAD - REQUEST TO WIDEN AND RAISE

Mr. Douglas Grant, on behalf of the Dogwood Grove Association, requested that Dogwood Grove Road be widened and raised in order to correct a dangerous traffic condition.

This request was referred to the City Manager for investigation and report.

DDB082

MODEL CITIES

Mrs. Roy Rogers asked questions concerning the Model Cities program, and was given a brief resume of the program by the City Manager.

EMPLOYMENT OF OUT-OF-TOWN PERSONNEL

Mr. E. R. McCarthy spoke regarding employment of out-of-town personnel, the Model Cities program, equipment in the Sanitation Department, and low cost housing.

Councilman Algary commended the employment of Cary Wilson as Manager of the proposed City Center.

Councilman Crouch stated that the Council has been aware of the men the City Manager has been hiring and he has the personal endorsement of the City Council and the Council will continue to give him full support.

Councilman Sumner stated again that as a matter of policy he thought the Council should be consulted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, February 27, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, February 27, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, Robert P. Crouch, W. F. Algary, City Manager Phin. Horton, III.

The minutes of the previous meeting were read and approved.

METROPOLITAN PLANNING BOARD - REQUEST TO APPROVE "701" PLANNING WORK PROGRAM FOR SECOND YEAR

A letter was received from the Metropolitan Planning Board requesting the Council to approve the second year "701" planning work program for the period beginning May 25, 1969 and ending May 25, 1970, and requesting authorization to proceed with the final preparation and submittal of the HUD "701" Planning Assistance Grant application on or before the March 1, 1969 deadline.

RESOLUTION APPROVING "701" PLANNING WORK PROGR AM FOR SECOND YEAR

Councilman Crouch then introduced resolution approving the Work Program which was approved and recommended by the Metropolitan Planning Board and pledging its continued participation in the amount of one-half of the local share or $10,000 for this period of one year in the furtherance of this project, which was, upon motion of Councilman Crouch, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5, at page 278

ORDINANCE NO. 613 - AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO PROCLAIM THE EXISTENCE OF A STATE OF EMERGENCY AND TO IMPOSE CERTAIN RESTRICTIONS DURING THE SAME

Ordinance No. 613, being "AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO PROCLAIM THE EXISTENCE OF A STATE OF EMERGENCY AND TO IMPOSE CERTAIN RESTRICTIONS DURING THE SAME", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Mayor Eller voted "aye"

ORDINANCE NO. 613

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO PROCLAIM THE EXISTENCE OF A STATE OF EMERGENCY AND TO IMPOSE CERTAIN RESTRICTIONS DURING THE SAME

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. State of emergency; curfew authorized.

(a) A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.

(b) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the City of Asheville, or threatening damage to or destruction of property, the Mayor of the City of Asheville is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the City, to place in effect any or all of the restrictions hereinafter authorized.

(c) The Mayor is hereby authorized and empowered to limit by the proclamation the application of all or any part of such restrictions to any area specifically designated or described within the corporate limits of the City and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firemen and other public employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the City.

(d) The Mayor shall proclaim the end of such state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the City Council.

(e) During the existence of a proclaimed state of emergency, the Mayor may impose by proclamation any or all of the following restrictions:

(1) Prohibit or regulate the possession off one's own premises of explosives, firearms, ammunition, or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other dispesition thereof;

(2) Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind, and their possession or consumption off one's own premises;

(3) Prohibit or regulate any demonstration, parade, march, vigil, or participation therein from taking place on any of the public ways or upon any public property;

(4) Prohibit or regulate the sale of gasoline, kerosene, naptha, or any other explosive or inflammable fluids or substances;

(5) Prohibit or regulate travel upon any public street, alley, or roadway or upon any other public property, except by those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof;

(6) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other places of public assembly;

(f) Any proclamation may be extended, altered, or repealed in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.

(g) During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this ordinance.

Section 2. Severability. The sections, paragraphs, sentences, clauses, words and phrases of this ordinance are severable, and, if any word, phrase, section, paragraph, sentence, clause shall be declared unconstitutional or invalid by any valid judgment or decree or any court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining phrases, words, clauses, sentences, paragraphs, or sections of this ordinance.

Section 3. Penalty. The violation of any provision of this ordinance, or of any provision of any restriction imposed by any proclamation authorized by this ordinance, shall constitute a misdemeanor, punishable upon conviction by a fine not exceeding fifty dollars ($50) or imprisonment not exceeding thirty (30) days, as provided by G. S. 14-4.

I move the adoption of the foregoing ordinance, this 13 day of February, 1969.

J. W. McRary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 27 day of February, 1969, to become effective 14 day of March, 1969.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

STATE HIGHWAY COMMISSION - RESOLUTION AUTHORIZING PAYMENT OF DAMAGES BY CITY IN EVENT OF CITY'S DELAY IN COMPLETING INSTALLATION OF 6-INCH WATER LINE

Councilman Sumner introduced a resolution authorizing the payment of damages by the City of Asheville to the N. C. State Highway Commission in the event of the City's delay in completing installation of 6-inch water line, which was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 279.

BIDS - TRACTOR AND MOWER - AWARDED TO C & H EQUIPMENT CO.

The City Manager advised that, after due advertisement, bids had been received for one combination tractor and mower:

Blue Ridge Tractor & Implement Co.	$4,290.98	
Farm Equipment Co., Inc.	4,244.98	
Fitzpatrick & Sons Equipment Co.	4,005.67	3,905.67
C & H. Equipment Co.	3,792.46	
Arden Equipment Co.	4, 560.00	

and recommended that the bid be awarded to the low bidder, C & H. Equipment Co.

Councilman Crouch moved that the bid be so awarded, which motion was seconded by Councilman McRary and unanimously adopted.

BIDS - THREE DUMP TRUCKS FOR STREET DEPARTMENT - AWARDED TO PARKLAND CHEVROLET CO.

The City Manager advised that, after due advertisement, bids had been received for three dump trucks for the Street Department:

Matthews Motors, Inc.	$11,490.29
Parkland Chevrolet Co., Inc.	10,898.37
Asheville International Truck Sales, Inc.	11,444.84
Carolina Truck Body Co.	11,257.00

and recommended that the bid be awarded to the lowest bidder, Parkland Chevrolet Co., Inc.

Councilman McRary moved that the bid be so awarded, which motion was seconded by Councilman Crouch and unanimously adopted.

GIRL SCOUTS - GOVERNMENT DAY

Mrs. Gruetter, a representative from the Girl Scouts, presented the members of the Council with a program for Girl Scout Day, and explained their participation in the city government.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 6, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, March 6, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, F. M. Mulvaney, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lot 284, Sheet 12, Ward 5

A request was received from McGuire, Baley & Wood, attorneys, that Lot 284, Sheet 12, Ward 5, being 12 Fairfax Avenue, be rezoned from Residential District to Business District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Elimination of commercial parking lots from residential areas)

A recommendation was received from the Planning and Zoning Commission that the Zoning Ordinance Section 2.1, RA-10 Residential District, Paragraph A.5, be changed to read "5. Public and Private Parks, and Playgrounds."

Following a discussion, Councilman Algary moved that the City Clerk be authorized to give notice of a public hearing on said recommendation, at which time an ordinance complying with the recommendation would be presented, which motion was seconded by Councilman Mulvaney and unanimously adopted.

FLUORIDATION - PROTEST OF NELL STROUPE

A letter was presented from Mrs. Nell Stroupe protesting the use of fluoride in the public water supply.

JESSE JAYNE - RESIGNATION AS SUPERINTENDENT OF MAINTENANCE OF THE WATER DEPARTMENT

The City Manager presented the resignation of Jesse Jayne as Superintendent of Maintenance of the Water Department.

Councilman Crouch moved that a letter be written Mr. Jayne expressing the commendation of the Council for his work, which motion motion was seconded by Councilman Mulvaney and unanimously adopted.

BILLIARD HALL, POOL HALL LICENSE - APPLICATION OF GORDON A. SHIPMAN - DENIED

The City Manager presented the application of Gordon A. Shipman to operate a pool hall and game room on Haywood Road at #1663, advising that the Chief of Police had recommended that this license be not granted, and that he also recommended that the license not be granted.

Mr. Shipman spoke in behalf of the granting of the license.

Following the discussion, Councilman Crouch moved that the permit be denied, which motion was seconded by Councilman Mulvaney and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, March 13, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, March 13, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, Dr. Robert P. Crouch, W. F. Algary, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

GIRL SCOUTS

The Girl Scouts taking part in the city government for the day introduced themselves, and the City Manager explained their agenda.

DDB082

CORPORATE LIMITS EXTENSION REQUESTED - 51.0 acres in Hazel Ward known as Robert Bingham Estate (Lawrence J. Traber)

A request was received from Lawrence J. Traber that the city annex 51.0 acres of land in Hazel Ward known as the Robert Bingham Estate.

This request was referred to the Planning and Zoning Commission and Metropolitan Planning Board for study and recommendation.

CORPORATE LIMITS EXTENSION REQUESTED - Lots 51-1/4, 34, 35 and 95, Hazel Ward, Sheets 5 and 7, known as 441 Hazel Mill Road - (David Robinson)

A request was received from David Robinson that the city annex Lots 51-1/4, 34, 35 and 95, Sheets 5 and 7, Hazel Ward containing property also known as 441 Hazel Mill Road.

This request was referred to the Planning and Zoning Commission and Metropolitan Planning Board for study and recommendation.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lots 16½, 17 and 18, Sheet 3, Ward 2 - Bruce J. Brown)

A request was received from Bruce J. Brown for the rezoning of Lots 16½, 17 and 18, Sheet 3, Ward 2.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ASHEVILLE SCHOOL BOARD - APPOINTMENT OF MEMBERS (John P. Holt and John Q Schell)

Councilman McRary introduced a resolution appointing members of Asheville School Board, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 280.

NORTH CAROLINA DISTRICT COURT SYSTEM - REQUEST FOR EARLY ESTABLISHMENT

Councilman Crouch introduced a resolution regarding a request for early establishment of a North Carolina District Court System, which was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 281.

TRAFFIC COUNTS - REQUEST FOR ADDITIONAL FUNDS

The City Manager presented a memorandum from Paul M. Dutcher, Traffic Engineer, advising that the Metropolitan Planning Board had requested the City to make annual traffic counts at 61 locations within the city, and that the City Traffic Engineering Department does not sufficient money in its budget to purchase additional traffic counters to undertake this request. The City Manager recommended that $288.75 be transferred from the Public Works capital outlay in streets to provide the necesssry funds.

Councilman Crouch moved that this transfer be made, which motion was seconded by Councilman Mulvaney and unanimously adopted.

YOUTH COUNCIL - REQUEST OF GIRL SCOUTS

A discussion was held by the Girl Scouts regarding the Asheville Buncombe County Youth Council and their desire to participate.

Mrs. Joyce, Youth Coordinator, was present and explained the procedure of electing members to the Youth Council.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 20, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, March 20, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilman C. E. Morgan, W. F. Algary, T. B. Sumner, F. M. Mulvaney, Dr. Robert P. Crouch, J. W. McRary, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT REQUESTED (51.0 acres proposed to be annexed - Lawrence J. Traber)

A letter was received from Lawrence J. Traber requesting that the property he had asked to be annexed be zoned RA-M Residential District.

This request was referred to the Planning and Zoning Commission.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lot 64, Sheet 5, Ward 2 - Bruce Brown

A letter was received from the Planning and Zoning Commission recommending that the request

of Bruce Brown for the rezoning of Lot 64, Sheet 5, Ward 2 be denied.

Councilman Sumner discussed the matter and stated he thought the matter should be given further consideration, and Councilman Algary concurred in this opinion.

Mr. Cunningham of the Planning Staff explained the position of the Planning and Zoning Commission, and reported that Mr. Brown did not wish a public hearing at this time until the use of the property had been determined.

Following the discussion the letter was received as information until Mr. Brown desires to bring it before the Council.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lots 174 and 174½, Sheet 16, Ward 2 - Mrs. Patton and Mr. Parker)

A letter was received from the Planning and Zoning Commission recommending that an additional 125 feet of Lots 174 and 174½, Sheet 16, Ward 2 be rezoned from RA-M Residential District to Neighborhood Trading Area.

Councilman Crouch moved that the City Clerk be authorized to give notice of a public hearing on said recommendation, at which time an ordinance complying with the recommendation would be presented, which motion was seconded by Councilman Morgan and unanimously adopted.

TRANSIT AUTHORITY - RESIGNATION OF HAL STARNES

The Mayor presented the resignation of Hal Starnes as a member of the Asheville Transit Authority.

HOUSING AUTHORITY OF THE CITY OF ASHEVILLE - RESIGNATION OF ROBERT BARBOUR

The Mayor presented the resignation of Robert Barbour as a member of the Housing Authority of the City of Asheville.

ORDINANCE NO. 614 - AN ORDINANCE REGULATING THE USE AND MANAGEMENT OF THE PROPERTY LEASED FROM CAROLINA POWER AND LIGHT COMPANY, INCLUDING LAKE JULIAN AND SURROUNDING AREA

Councilman Morgan introduced Ordinance No. 614, being "AN ORDINANCE REGULATING THE USE AND MANAGEMENT OF THE PROPERTY LEASED FROM CAROLINA POWER AND LIGHT COMPANY, INCLUDING LAKE JULIAN AND THE SURROUNDING AREA", which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 615 - AN ORDINANCE REGULATING THE USE AND MANAGEMENT OF BEE TREE LAKE AND RECREATION AREA

Councilman Mulvaney introduced Ordinance No. 615, being "AN ORDINANCE REGULATING THE USE AND MANAGEMENT OF BEE TREE LAKE AND RECREATION AREA", which was upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

BIDS - SUMMER UNIFORMS FOR POLICE AND FIRE DEPARTMENTS - AWARDED TO Charles R. Stinnette Co., Inc.

The City Manager advised that after due advertisement bids had been received for summer uniforms for the Police and Fire Departments as follows:

Charles R. Stinnette Co., Inc.	$8,257.81
The Hub Uniform Co., Inc.	8,281.46
The Asheville Army Store, Inc.	8,434.83

and recommended that the bid be awarded to the lowest bidder, Charles R. Stinnette Co., Inc.

Councilman Morgan moved that the bid be so awarded, which motion was seconded by Councilman Morgan and unanimously adopted.

ASHEVILLE INTER-CHURCH HOUSING ASSOCIATION - REQUESTS DEED

The City Manager called attention to an easement which was authorized by resolution of the City Council to the Asheville Inter-Church Housing Association over certain property on Carroll Avenue to the south of the property of the Association for the purpose of establishing ingress and egress to and from the low-cost housing project of the Association, advising that the lending agency has held that an easement is not sufficient, and that it is necessary for the Association to have a deed to said property.

Councilman Algary moved that the corporation counsel be instructed to prepare the proper resolution for the sale of this property at public sale, which motion was seconded by Councilman Mulvaney and unanimously adopted.

DDB082

WATER TAPS OUTSIDE CITY - ORDINANCE TO BE PREPARED RESTRICTING

The City Manager discussed the Sullivan Act and providing water beyond the city limits, advising that the City must provide water service within the corporate limits and may do so beyond the corporate limits, and urging that an ordinance be prepared to prohibit any additional taps beyond the corporate limits except for industrial purposes on an individual basis subject to Council approval, until action is taken to remedy the Sullivan Act situation.

Following a discussion, Councilman Crouch moved that the Corporation Counsel be instructed to prepare an ordinance to this effect, making the effective date the third reading of said ordinance, and providing that said ordinance would not affect buildings already under construction or for which a building permit had been granted, which motion was seconded by Councilman Algary and unanimously adopted.

WATER DEPARTMENT - MR. WARD

The City Manager introduced Mr. Ward, who has taken over as Director of the Water Department, advising that a computer system is under consideration for the water department.

Councilman Algary discussed the reading of water meters, suggesting that meters be read every two months.

MODEL CITIES - MISS McCOY OPPOSES

Miss McCoy spoke against the Model Cities project.

WATER DEPARTMENT - Mr. McCord

Mr. L. H. McCord spoke concerning what he termed an excessive water bill, and was advised to discuss this matter with Mr. Ward.

CITY CHARTER - REFERENDUM AMENDMENTS PROPOSED

Councilman Mulvaney proposed amendments to the referendum provisions of the City Charter which would provide that a referendum could be called by petition of fifteen percent of the total registration as reflected by the registration books, instead of the fifteen per cent of one-seventh of the total of all votes cast for members of the City Council; that the election be called in ninety days instead of forty-five days; and that any question submitted by petition as provided under this section cannot be re-submitted to referendum within a three year period from the date of the election at which said question was first voted upon.

Councilman Sumner suggested that this matter be referred to the City Manager and Corporation Counsel for recommendation.

Councilman Mulvaney moved that the Corporation Counsel prepare said amendments for consideration by the Council at its next meeting, which motion was secondedby Councilman McRary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 27, 1969 - 3:00 o'clock P. M.

The City Council of the City of Asheville met in regular session in the City of Asheville at 3:00 o'clock p. m. on Thursday, March 27, 1969.

The meeting was called to order by the Mayor and upon roll call, those present and absent were as follows:

Present: Councilmen McRary, Mulvaney, Algary, Crouch, Morgan

Absent: Councilman Sumner

The minutes of the previous meeting were read and approved.

ORDINANCE NO. 614 - AN ORDINANCE REGULATING THE USE AND MANAGEMENT OF THE PROPERTY LEASED FROM CAROLINA POWER AND LIGHT COMPANY, INCLUDING LAKE JULIAN AND THE SURROUNDING AREA

Ordinance No. 614, being "AN ORDINANCE REGULATING THE USE AND MANAGEMENT OF THE PROPERTY LEASED FROM CAROLINA POWER AND LIGHT COMPANY, INCLUDING LAKE JULIAN AND THE SURROUNDING AREA", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 615 - AN ORDINANCE REGULATING THE USE AND MANAGEMENT OF BEE TREE LAKE AND RECREATION AREA

Ordinance No. 615, being "AN ORDINANCE REGULATING THE USE AND MANAGEMENT OF BEE TREE LAKE AND RECREATION AREA", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

DDB082

ORDINANCE NO. 616 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Mayor Eller announced that today is the date set for a public hearing on the deletion of the words "parking lots" from paragr aph 5 of sub-section A. Uses Permitted of Section 2.1 RA-10 Residential District, and that due advertisement had been made of said public hearing.

There being no objection, Councilman Crouch introduced ORdinance No. 616, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Crouch, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

MEETING - BOARD OF COUNTY COMMISSIONERS AND COMMITTEE REPRESENTING CITY - REPORT

Councilman Crouch gave a report on a meeting held between the Board of County Commissioners and a committee representing the City of Asheville, at which agreement was reached on the distribution of the 1% local option tax, increasing the tax assessment ratio, and a joint rate study to be made of the City's water system, recommending to the Council that the original request for repeal of the Sullivan Act be withdrawn. Councilman Crouch also thanked the news media for their coverage of said meeting.

The City Manager also gave a report on said meeting and explained several resolutions drawn up as a result of said agreements.

AMENDMENT TO HOUSE BILL 218 REQUESTED - ENABLE BUNCOMBE COUNTY TO HOLD AN ELECTION FOR THE PURPOSE OF CONSIDERING A 1% SALES TAX

Councilman Mulvaney introduced a resolution requesting an amendment to House Bill 218, a bill to enable Buncombe Coungy to hold an election for the purpose of considering a 1% sales tax, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 282.

RESOLUTION REGARDING ESTABLISHMENT OF ASSESSMENT RATIO FOR TAX PURPOSES FOR YEAR 1969

Councilman Morgan introduced a resolution regarding establishment of an assessment ratio for tax purposes for the year 1969, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 283.

RESOLUTION REQUESTING DEFERMENT ON REPEAL OF CHAPTER 399, PUBLIC-LOCAL LAWS 1933, THE SULLIVAN ACT

Councilman Mulvaney introduced a resolution requesting the delegates of the General Assembly representing Buncombe County to defer action on the requested repeal of Chapter 399, Public-Local Laws 1933, which, was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 284.

HOUSING AUTHORITY - AMENDMENT TO COOPERATION AGREEMENT

Councilman Crouch introduced the following resolution:

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT TO COOPERATION AGREEMENT

WHEREAS, the Housing Authority of the City of Asheville (herein called the "Local Authority") and the City of Asheville, North Carolina (herein called the "Municipality") desire to enter into an amendment to its Cooperation Agreement in connection with the development of low-rent housing units pursuant to the United States Housing Act of 1937, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Municipality that the Local Authority and the Municipality enter into an Amendment to its Cooperation Agreement and the Mayor is hereby authorized to execute the same on behalf of the Municipality and the City Clerk to attest the same and affix thereto the seal of the Municipality, said Amendment being in substantially the following form:

AMENDMENT NO. 3
TO
COOPERATION AGREEMENT

This amendatory Agreement entered into this _____ day of _____, 1969, by and between the Housing Authority of the City of Asheville (herein called "Local Authority") and the City of Asheville, North Carolina (herein called "Municipality"), WITNESSETH:

WHEREAS, the Municipality and the Local Authority have entered into a certain Cooperation Agreement dated November 12, 1964 and amended November 14, 1966 and February 3, 1967 providing for aid and cooperation in respect to low-rent housing Projects developed or to be developed and operated by the Local Authority with the financial assistance of the United States of America; and

WHEREAS, the Local Authority and the Municipality desire to modify and amend the aforesaid Cooperation Agreement to cover additional low-rent housing units;

NOW, THEREFORE, the Local Authority and the Municipality do agree that the number of units set forth in Section 2 of the aforesaid Cooperation Agreement be increased by 400 and that the figure "625" be changed to read "1025".

IN WITNESS WHEREOF, the Municipality and the Local Authority have respectively signed this amendatory Agreement and caused their seals to be affixed and attested as of the day and year first above written.

(Seal)
ATTEST:

CITY OF ASHEVILLE
(Corporate name of Municipality)

By_____
Mayor

City Clerk

HOUSING AUTHORITY OF THE CITY OF ASHEVILLE
(Corporate Name of Local Authority)

(Seal)
ATTEST:

By_____
Chairman

Secretary

Councilman Crouch moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Councilman McRary, and upon roll call the "Ayes" and "Nays" were as follows:

Ayes	Nays
Councilman McRary, Mulvaney, Algary, Crouch, Morgan, Mayor Eller	None

The Mayor thereupon declared said motion carried and said resolution adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 285.

CITY CHARTER - AMENDMENTS PROPOSED RE REFERENDUM

Councilman Mulvaney introduced a resolution of the City Council of the City of Asheville requesting amendment of the City Charter, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 286.

CITY PROPERTY - RESOLUTION AUTHORIZING CITY MANAGER TO ADVERTISE FOR SALE

Councilman Crouch introduced a resolution authorizing City Manager to advertise for public sale certain property, which was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 287.

POLICE DEPARTMENT - FUNDS RECEIVED FROM GOVERNOR'S COMMITTEE ON LAW AND ORDER

The City Manager advised that the Police Department had received a grant of $1,422.00 from the State of North Carolina Governor's Committee on Law and Order, and recommended that he be authorized to appropriate from unbudgeted funds the sum of $360.00 for the local share of this grant program.

Councilman Morgan moved that the City Manager be so authorized, which motion was seconded by Councilman Crouch and unanimously adopted.

SUMMER WORK FOR STUDENTS

The Mayor called attention to the progr am initiated last year in which an attempt was made to secure summer employment for students, and stated he would like to see such a program get under way this year with the assistance of the Unemployment Security Commission and the Office of the Opportunity Corporation. The Mayor asked Mr. George Gragg, Human Relations Coordinator, to implement said program.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, April 3, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, April 3, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, Dr. Robert P. Crouch, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

CLAIM FOR DAMAGES - Margaret V. Burns

A claim for damages on behalf of Margaret V. Burns caused by a sewer line located on Pearson Drive was received.

This claim was referred to the Corporation Counsel for investigation.

ORDINANCE NO. 614 - AN ORDINANCE REGULATING THE USE AND MANAGEMENT OF THE PROPERTY LEASED FROM CAROLINA POWER AND LIGHT COMPANY, INCLUDING LAKE JULIAN AND THE SURROUNDING AREA

Ordinance No. 614, being "AN ORDINANCE REGULATING THE USE AND MANAGEMENT OF THE PROPERTY LEASED FROM CAROLINA POWER AND LIGHT COMPANY, INCLUDING LAKE JULIAN AND THE SURROUNDING AREA", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"	Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye"	Councilman Sumner voted "aye"
Councilman Algary voted "aye"	Councilman Morgan voted "aye"

Mayor Eller voted "aye"

ORDINANCE NO. 614

AN ORDINANCE REGULATING THE USE AND MANAGEMENT OF THE PROPERTY LEASED FROM CAROLINA POWER AND LIGHT COMPANY, INCLUDING LAKE JULIAN AND THE SURROUNDING AREA

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

That to provide for the proper and safe management of the property leased from the Carolina Power and Light Company in Limestone Township, Buncombe County, North Carolina, including Lake Julian and the surrounding area, the following Ordinance is hereby adopted:

SECTION 1. GENERAL PROVISIONS

1.01 Definitions. Unless from the context a different meaning is apparent as used in these regulations, the terms hereinafter used shall be defined as follows:

1.02 "The City Council shall mean the Council of the City of Asheville."

1.03 "Lake Julian shall include the Lake and all other property leased by Carolina Power and Light Company to the City of Asheville by Lease dated September 10, 1964, and recorded in the Office of the Register of Deeds for Buncombe County, N. C., in Deed Book 914, at page 177."

1.04 "Director of Land Management shall mean the officer or representative of the City Manager of the City of Asheville having immediate charge of Lake Julian."

1.05. "Person" shall mean an individual, partnership, firm, association or corporation."

Section 2. APPLICATION

2.01 All users of and persons on the premises of Lake Julian as hereinbefore defined shall be governed by this Ordinance.

2.02 If any portion of the Ordinance shall be invalid or unenforceable, all other portions shall remain in effect and be construed to achieve the purpose hereof.

Section 3. DIRECTOR OF LAND MANAGEMENT

3.01 The Director of Land Management shall be appointed by the City Manager of the City of Asheville and shall work under the direction of the City Manager. It shall be the responsibility of the Director of Land Management to enforce this Ordinance and to manage the leased premises under the direction of the City Manager.

Section 4. USE OF PREMISES

4.01 The premises shall be used solely for recreational purposes by the general public or the sublessees of the City of Asheville, subject to the regulations, fees and charges herein provided.

4.02 Portions of the area designated as the control strip in the lease may be sub-let by written lease authorized by the City Council in accordance with the terms of the Carolina Power and Light Company lease.

4.03 Subject to the rules and regulations hereinafter set forth, the premises retained by the City of Asheville shall be used as picnic, recreation and camping areas, and the Lake shall be used for fishing and boating. Private boats without gasoline motors or boats for hire without gasoline motors provided by the City of Asheville may be used on the Lake under permit granted by the City of Asheville upon payment of the required fee.

Section 5. RULES AND REGULATIONS

5.01 Picnicking and camping shall be confined to the areas designated by the Director.

5.02 Permits shall be required for the use of private boats on the Lake. Permits may be obtained upon payment of such fees as may, from time to time, be authorized by the City Council. No boats other than those used by the wardens of the City of Asheville, or the State of North Carolina, or officials of the Carolina Power and Light Company in the performance of their regular duties, may be operated with motors. All State regulations in regard to boat safety shall be observed and no boat shall be operated without at least one life preserver for each occupant.

5.03 Permits shall be required for fishing in the Lake. Permits may be obtained upon payment of such fees as may, from time to time, be authorized by the City Council. All fishing shall be subject to State fishing laws and regulations.

5.04 No firearms shall be permitted on the premises, and there shall be no hunting on the Lake or adjoining premises.

5.05 Swimming is prohibited in the Lake.

5.06 Dumping trash or refuse in the Lake or on the premises is prohibited.

5.07 The Director shall have the right to refuse to issue a permit for fishing or boating on the Lake to any person who fails to obey the rules and regulations and may revoke previously issued permits to anyone in violation of the rules and regulations.

I move the adoption of the foregoing Ordinance.

C. E. Morgan
Councilman

Seconded by: T. B. Sumner
Councilman

Read, approved and adopted, this 3 day of April, 1969.

DDB082

Approved as to form:

Robertson Wall
Corporation Counsel

E. W. Eller
Mayor

Margaret Simmons
City Clerk

ORDINANCE NO. 615 - AN ORDINANCE REGULATING THE USE AND MANAGEMENT OF BEE TREE LAKE AND RECREATION AREA

Ordinance Nl. 615, being "AN ORDINANCE REGULATING THE USE AND MANAGEMENT OF BEE TREE LAKE AND RECREATION AREA", WAS, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 615

AN ORDINANCE REGULATING THE USE AND MANAGEMENT OF BEE TREE LAKE AND RECREATION AREA

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

That to provide for the proper and safe management of the property designated as Bee Tree Lake and Recreation, the following Ordinance is hereby adopted:

Section 1. GENERAL PROVISIONS

1.01 Definitions. Unless from the context a different meaning is apparent as used in these regulations, the terms hereinafter shall be defined as follows:

1.02 "The City Council shall mean the Council of the City of Asheville."

1.03 Bee Tree shall include the Lake and all other property designated as the recreation area.

1.04 "Director of Land Management shall mean the Officer or representative of the City Manager of the City of Asheville having immediate charge of Bee Tree."

1.05 "Person shall mean an individual, partnership, firm, association, or corporation."

Section 2. APPLICATION

2.01 All users of and persons on the premises of Bee Tree as hereinafter defined shall be governed by this Ordinance.

2.02 If any portion of the Ordinance shall be invalid or unenforceable, all other portions shall remain in effect and be construed to achieve the purpose hereof.

Section 3. DIRECTOR OF LAND MANAGEMENT

3.01 The Director of Land Management shall be appointed by the City Manager of the City of Asheville and shall work under the direction of the City Manager. It shall be the responsibility of the Director of Land Management to enforce this Ordinance and to manage the premises under the direction of the City Manager.

Section 4. USE OF PREMISES

4.01 The premises shall be used solely for recreational purposes by the General public subject to the regulations, fees, and charges herein provided.

4.02 Subject to the rules and regulations hereinafter set forth, the ground area shall be used for picnic, recreation, and fishing.

Section 5. RULES AND REGULATIONS

5.01 Picnicking and camping shall be confined to the areas designated by the Director.

5.02 Only boats offered for rent by the City of Asheville and official boats used by officials of the City of Asheville in the performance of their duties may be used on the Lake.

5.03 Permits shall be required for fishing in the Lake. Permits may be obtained upon payment of such fees as may, from time to time, be authorized by the City Council. All fishing shall be subject to State fishing laws and regulations.

5.04 No firearms shall be permitted on the premises, and there shall be no hunting on the Lake or adjoining premises.

5.05 Swimming is prohibited in the Lake.

5.06 Dumping trash or refuse in the Lake or on the premises is prohibited.

5.07 The Director shall have the right to refuse to issue a permit for fishing or boating on the Lake to any person who fails to obey the rules and regulations and may revoke previously issued permits to anyone in violation of the rules and regulations.

I move the adoption of the foregoing Ordinance.

Frank Mulvaney
Councilman

Seconded by: J. W. McRary
Councilman

Read, approved and adopted, this 3 day of April, 1969.

Approved as to form;
Robertson Wall
Corporation Counsel

E. W. Eller
Mayor

Margaret Simmons
City Clerk

ORDINANCE NO. 616 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 616, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Crouch, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

MODEL CITIES - DISCUSSION

The City Manager advised that he had been asked by the Publicity Committee of the Model Cities Project to have the Council use their influence with news media to publicize that registration is taking placefor the vote on the Neighborhood Commissioners, the election to take place on April 19th.

WESTGATE CORPORATION - DISPOSITION OF STATE HIGHWAY COMMISSION CONDEMNATION FUNDS

There was general discussion regarding the $80,000.00 presently being held in court in the Westgate condemnation proceeding. Mr. Coggins requested that the city release to him all of the $80,000.00 over and above the city's share as determined by appraisal of W. T. Duckworth.

After further discussion the following motion was submitted by Councilman Morgan and seconded by Councilman Mulvaney: Be it resolved that this Council employ two additional recognized, registered appraisers with Westgate Corporation bearing the expense of one appraisal and the city and Westgate splitting the expense of the third appraisal, and that the city accept the average of the three appraisals as being its fair share of the $80,000.00 award, provided, however, that the same basis for division of any additional awards be used.

SURPLUS PROPERTY - VALLEY STREET - TO BE SOLD

The City Manager advised that there is certain surplus city property stored at the rear of the Municipal Garage on Valley Street, and that the Director of Public Works has requested permission to dispose of this property by sealed bids after due advertisement.

Councilman Sumner moved that this action be taken, which motion was seconded by Councilman Algary and unanimously adopted.

BIDS - REMOVE COAL-FIRED BOILER AND REPLACE WITH OIL OR GAS at FIRE DEPARTMENT ON MERRIMON AVENUE

The City Manager advised that after due advertisement bids had been received to remove the coal-fired boiler and replace with new gas-fired boiler or oil fired burner at the Fire Department on Merrimon Avenue.

	Grady H. Rogers Company	Citizens Heating Company	Moser Plumbing & Heating	Rogers Plumbing & Heating	Dotson Plumbing & Heating
Gas fired	2,900	3,300.00	2.070.00	2,018.00	2,650.00
Oil	3,300	3,500.00		2,565.00	2,565.00

and recommended that the award be made to the lowest bidder for the gas-fired boiler, Rogers Plumbing & Heating Company in the amount of $2,018.00.

Councilman Crouch moved that the bid be so awarded, which motion was seconded by Councilman McRary and unanimously adopted.

LIBRARY BOARD - PROPOSED EXPANSION

The City Manager advised that the Library Board has been discussing expansion of its membership, which would require legislation, and has recommended that the City appoint five members and the County appoint four members.

Councilman Morgan introduced a resolution regarding Library Board, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 288.

BIDS - CONSTRUCTION OF TERMINAL APRON EXPANSION AT ASHEVILLE AIRPORT

The City Manager advised that after due advertisement bids had been received for construction of Terminal apron expansion at the Asheville Airport:

Asheville Paving Company, Inc.	$28,256.90
Warren Brothers Co.	35,614.34

CONTRACT - CONSTRUCTION OF TERMINAL APRON EXPANSION AT ASHEVILLE AIRPORT - Asheville Paving Company, Inc.

Councilman Algary introduced resolution awarding contract for construction of Terminal Apron Expansion at the Asheville Airport, which was, upon motion of Councilman Algary, seconded by Councilman Crouch, unanimously adopted.

Complete copy of Resolution will be found in Resolution Book 5 at page 289.

WATER - DISCUSSION

Mr. Ted Snipes of Shelburne Road asked questions concerning his water bills, the culvert under Shelburne Road, and the matter of bus for school children on Shelburne Road.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, April 10, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, April 10, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Robert P. Crouch, T. B. Sumner, J. W. McRary, C. E. Morgan, F. M. Mulvaney, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT REQUESTED (Saint Dunstan Road, Saint Dunstan Circle, Roebling Circle, Sterling Street and Grindstaff Place

A petition was received from a number of property owners requesting the rezoning of property on Saint Dunstan Road, Saint Dunstan Circle, Roebling Circle, Sterling Street and Grindstaff Place.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lot 284, Sheet 12, Ward 5)

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lot 284, Sheet 12, Ward 5 from RA-5 Residential District to Business.

Councilman Crouch moved that the City Clerk be authorized to give notice of a public hearing on said recommendation, at which time an ordinance complying with said recommendation would be presented, which motion was seconded by Councilman Mulvaney and unanimously adopted.

CORPORATE LIMITS - ANNEXATION - BINGHAM HEIGHTS - RECOMMENDATION OF METROPOLITAN PLANNING BOARD

A letter was received from the Metropolitan Planning Board recommending that the request to annex approximately 52 acres of land adjacent to Bingham Road be denied.

This was received as information by the Council.

ORDINANCE NO. 616 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 616, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Crouch, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 616

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

1. That paragraph 5 of Sub-section A. Uses Permitted of Section 2.1 RA-10 Residential District: "Public or private parks, playgrounds, or parking lots" be deleted from said ordinance, and the following inserted in lieu thereof:

5. Public and Private Parks and Playgrounds.

Section 2. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 4. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 27 day of March, 1969.

Robert P. Crouch
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adoptad, this 10 day of April, 1969, to become effective 25 day of April, 1969.

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

ORDINANCE NO. 617 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

The Mayor announced that today is the date set for a public hearing on the proposed rezoning of an additional 125 feet of Lots 174 and 174-1/4, Sheet 16, Ward 2, and that due advertisement has been made of said public hearing.

There being no objection, Councilman Morgan introduced Ordinance No. 617, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Sumner moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Morgan and unanimously adopted.

ORDINANCE NO. 617 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 617, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 617 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 617, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted" aye"
Councilman Mulvaney voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 617

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, knnown as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned from RA-M Residential District to NEIGHBORHOOD TRADING AREA:

An Additional 125 feet of Lots 174 and 174-1/4, Sheet 16, Ward 2

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences,

clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 10 day of April, 1969.

C. E. Morgan
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 10 day of April, 1969, to become effective 25 day of April, 1969.

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

SUBDIVISION LEGISLATION - BUNCOMBE COUNTY EXEMPT - MOTION TO DELETE BUNCOMBE COUNTY

The City Manager advised that Buncombe County is included in the list of counties exempt from permissive legislation that permits cities and counties to exercise subdivision control; that he had discussed this matter with the Chairman of the Board of County Commissioners; and that it was their feeling that Buncombe County should be deleted from the list of these counties.

Councilman Sumner moved that the local delegation to the General Assembly be notified that it is the desire of the City and County that Buncombe County be deleted from said list, which motion was seconded by Councilman Crouch and unanimously adopted.

PRIMARY ELECTION - RESULTS

The City Manager presented the certification of the City Board of Elections as to the results of the Primary held on April 8, 1969.

MUNICIPAL BOARD OF ELECTIONS
Asheville, N. C.

April 9, 1969

Mr. Phin. Horton, III,
City Manager,
Asheville, N. C.

Dear Sir:

WHEREAS, on Tuesday, April 8, 1969, there was held in the City of Asheville the Primary Election for seven offices of Councilmen of the City of Asheville for the Democratic party and for the Republican party; and

WHEREAS, certificates of result of said Primary Election were certified by the election officials to the Municipal Board of Elections and to the Chief Executive Officer of the City of Asheville by10:00 A. M. on April 9, 1969; and

WHEREAS, said Municipal Board of Elections canvassed and tabulated said official returns from all 17 city polling precincts for said Primary Election; and

WHEREAS, the results of said election were published immediately by reading at the front door of the City Hall;

NOW, THEREFORE, attached hereto find certified copy of resolution of the Municipal Board of Elections relating to the canvassing of the returns of the Primary Election for seven offices of Councilmen of the City of Asheville, together with sworn statement tabulating said returns.

Yours very truly,

S/ G. Edison Hill
Chairman

Eugene P. Coston
Secretary

Alan H. Shaw

RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE PRIMARY ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE FOR THE DEMOCRATIC PARTY AND FOR THE REPUBLICAN PARTY HELD APRIL 8, 1969, AND DECLARING THE RESULT THEREOF

BE IT RESOLVED BY THE MUNICIPAL BOARD OF ELECTIONS OF THE CITY OF ASHEVILLE:

Section 1. That the returns of the Primary Election for city officials for the Democratic party and for the Republican party held on April 8, 1969 in the City of Asheville having been received from the Registrars and Judges of Election in the various precincts of the city, and this Board having canvassed the same, the following facts are hereby found and determined:

(a) That each Registrar and Judge for said Primary Election for city officials held in the City

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of Asheville on April 8, 1969 was duly qualified by law and had taken the necessary oath.

(b) That the election officers had incorporated in their returns the number of votes cast for Councilmen in each precinct.

(c) That no complaints have been made to this Board.

Section 2. That from the canvass so made this Board has judicially determined the result of the voting in said Primary Election for the Democratic party and for the Republican party, and makes the following tabulation of the returns of said election, which tabulation correctly shows the designations of the several precincts at which such election was held, and the number of legal ballots cast in each precinct for each office, the name of each person voted for and the number of votes given to each person for each office, and the totals of such numbers:

DEMOCRATIC PARTY

PRECINCTS

For Councilmen	1	2	3	4	5	6	7	8	9
W. F. Algary	32	101	85	152	178	98	98	20	25
Woodrow Bartlett	7	22	35	57	32	54	23	4	14
Harry D. Blomberg	106	182	144	237	224	218	146	48	67
J. Ted Carter	15	42	39	35	30	67	77	15	12
Rex H. Champion	3	12	3	14	9	11	6	1	0
Henry E. Colton	25	145	146	361	415	271	192	52	57
Robert P. Crouch	127	228	196	358	392	378	277	57	104
Ruben J. Dailey	193	217	162	264	247	184	163	62	56
E. W. Eller	83	111	101	188	230	106	118	25	21
Richard B. Ford	94	218	165	250	210	259	205	53	114
James T. Gardner	21	37	53	37	54	48	39	17	13
Jess P. Giles	16	30	19	35	30	18	19	6	8
Walter J. Glance	6	14	37	11	18	10	9	8	7
Roger A. Grant, Jr.	9	28	23	15	14	22	13	5	5
Helen L. Gumpert	111	195	126	343	399	211	214	33	37
Coleman F. Harris	15	19	21	34	36	23	15	9	12
Susan C. Henderson	5	35	25	52	40	59	44	15	19
John P. Holt	218	289	133	200	216	165	134	48	42
Shelby E. Horton, Jr.	32	128	115	200	172	150	105	20	38
Hubert Mack Jones	12	25	17	20	18	103	15	11	168
R. Joseph Kowal	12	45	32	78	76	40	29	7	4
Martin McMahon	5	16	15	80	3	11	20	9	3
Ralph D. Morris, Jr.	66	96	91	253	275	248	128	30	25
Eugene C. Ochsenreiter, Jr.	59	162	160	348	328	247	185	32	54
Oswald Pelaez	11	29	34	21	14	32	39	10	12
Guy K. Penland	10	18	11	10	15	13	8	11	12
James N. Peterson	16	32	41	47	41	36	22	7	14
Leroy Ray	40	131	84	103	93	144	81	42	35
D. M. (Duffy) Reints	2	9	15	29	27	30	24	10	9
Joseph R. Schlenk	6	6	12	16	17	11	21	1	0
Broadus E. Singleton	17	27	37	41	46	36	26	11	82
A. R. Sluder	44	113	109	178	133	123	106	26	61
Theodore B. Sumner	31	124	130	221	203	145	123	32	42
David M. Weaver	11	24	20	27	21	46	18	2	7
W. Earl Williams	28	76	60	68	56	172	67	56	146
Harry Winner	120	216	140	318	374	195	144	35	33
Zack Winston	3	23	20	29	39	19	19	10	7
Manly E. Wright	125	231	182	350	381	291	198	40	64

For Councilmen	10	11	12	13	14	15	16	17	TOTALS
W. F. Algary	25	33	17	30	57	114	88	73	1226
Woodrow Bartlett	7	8	13	20	19	35	26	28	400
Harry D. Blomberg	188	133	33	64	73	140	122	114	2239
J. Ted Carter	8	17	18	28	31	71	45	21	571
Rex H. Champion	4	4	1	6	4	12	5	6	99
Henry E. Colton	25	36	36	47	66	231	187	223	2515
Robert P. Crouch	59	109	69	101	100	309	239	236	3339
Ruben J. Dailey	232	179	23	42	85	150	117	160	2536
E. W. Eller	72	41	42	35	50	109	94	99	1525
Richard B. Ford	74	109	42	130	72	250	159	132	2536
James T. Gardner	12	14	12	33	25	72	52	18	557
Jess P. Giles	7	15	7	14	12	30	15	14	295
Walter J. Glance	4	4	12	17	13	22	14	8	214
Roger A. Grant, Jr.	20	8	2	13	10	19	12	12	230
Helen L. Gumpert	53	98	28	56	59	161	134	221	2479
Coleman F. Harris	37	12	10	8	12	21	11	9	304
Susan C. Henderson	11	16	26	36	29	116	83	21	632
John P. Holt	290	204	24	25	68	112	78	99	2345
Shelby E. Horton, Jr.	17	47	35	99	71	233	165	78	1705
Hubert Mack Jones	10	10	8	13	13	30	33	11	517
R. Joseph Kowal	28	21	7	8	4	26	13	45	475
Martin McMahon	14	5	2	9	9	16	11	6	234
Ralph D. Morris, Jr.	13	31	31	26	38	137	82	134	1704
Eugene C. Ochsenreiter, Jr.	71	73	40	74	55	125	126	156	2345
Oswald Pelaez	56	24	34	29	25	62	58	6	496
Guy K. Penland	3	15	15	36	6	37	17	6	243
James M. Peterson	14	9	8	19	13	37	16	18	390
Leroy Ray	67	59	77	130	89	331	292	59	1857
D. M. (Duffy) Reints	9	3	11	5	2	17	16	15	233
Joseph R. Schlenk	4	6	5	3	7	11	12	8	146
Broadus E. Singleton	22	14	8	21	9	33	14	16	460
A. R. Sluder	46	47	34	70	64	148	90	68	1460
Theodore B. Sumner	19	55	43	61	56	129	113	123	1650
David M. Weaver	7	7	4	8	7	19	10	18	256
W. Earl Williams	21	38	34	35	17	59	44	27	1004
Harry Winner	69	84	44	73	70	153	118	157	2343
Zack Winston	6	3	6	9	5	17	12	18	245
Manly E. Wright	90	67	61	100	65	233	182	180	2840

REPUBLICAN PARTY
PRECINCTS

For Councilmen	1	2	3	4	5	6	7	8	9
Webster Anderson	7	50	57	125	141	104	52	9	13
Luke Atkinson	9	45	37	90	97	99	48	13	14
Ervin Lincoln Ball	7	19	17	27	28	31	14	4	6
Lewis H. Clay	10	19	23	24	28	38	17	6	5
Charles M. Dent, Jr.	9	47	69	130	142	131	65	12	12
James N. Golding	3	44	44	109	144	85	54	4	9
Lemuel Hall	3	18	17	15	26	22	12	3	6
Edward L. Jackson	6	10	11	16	18	11	15	3	5
Barbara C. Keleher	12	63	76	179	218	145	78	12	11
J. Don Lane	7	46	58	120	127	147	63	11	11
William J. McCanless	6	22	16	28	43	27	24	10	4
Otis B. Michael	11	44	44	113	120	102	57	7	8
Wayne S. Montgomery	13	67	85	176	217	173	88	20	17
Thomas H. Moretz	4	25	39	37	51	75	23	4	3
Howard J. Runnion	7	35	25	28	30	68	26	10	7
Jack Stewart	8	38	24	46	67	61	27	2	4

For Councilmen	10	11	12	13	14	15	16	17	TOTALS
Webster Anderson	1	13	15	31	31	67	58	101	875
Luke Atkinson	1	14	36	57	53	137	89	73	912
Ervin Lincoln Ball	2	5	6	10	16	42	21	23	278
Lewis H. Clay	1	6	15	22	18	29	29	26	316
Charles M. Dent, Jr.	0	16	20	25	32	85	57	107	959
James N. Golding	2	14	5	14	17	39	24	93	704
Lemuel Hall	3	8	4	13	10	28	19	12	219
Edward L. Jackson	2	4	8	10	9	23	13	15	179
Barbara C. Keleher	5	20	17	30	35	93	54	143	1191
J. Don Lane	6	16	23	35	21	74	57	96	917
William J. McCanless	3	5	7	18	21	39	19	32	314
Otis B. Michael	9	19	11	20	22	44	29	91	751
Wayne S. Montgomery	2	22	31	47	47	120	82	161	1368
Thomas H. Moretz	2	4	9	15	15	30	42	37	415
Howard J. Runnion	4	7	10	14	15	48	45	71	450
Jack Stewart	4	3	29	50	43	114	54	30	604

Dated this 9th day of April, 1969.

_____

_____

_____

Members of the Municipal
Board of Elections

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE) ss

Subscribed and sworn to before me this 9th day of April, 1969.

My commission expires:

_____
Notary Public

Section 3. That from the canvass so made it is judicially determined and declared:

(a) That the following man received the highest number of votes cast and received the majority of the votes cast in the Democratic Primary held on said April 8, 1969 for the office of the City Council, and he is therefore declared to be nominated by said party at said election, and is hereby declared to be the nominee of the Democratic party for member of the Council of the City of Asheville, and his name ordered placed upon the ballot to be used at the General Election on May 13, 1969 as his party's candidate for such office:

Dr. Robert P. Crouch

(b) Unless a second primary is called for by one of the following: Dr. W. P. Holt, Eugene Ochsenreiter, Harry Winner, Harry Blomberg, Leroy Ray, Ralph Morris, Jr., and Shelby Horton, Jr., then at the next meeting the Board will certify Manly Wright, Ruben Dailey, Richard Ford, Henry Colton, and Mrs. Helen Gumpert and either Mr. Ochsenreiter or Dr. Holt, depending on how the matter is worked out.

(c) That the following seven men received the highest number of votes cast and received the majority of the votes cast in the Republican primary held on said April 8, 1969 for the office of the City Council, and they are hereby declared to be nominated by said party at said election, and are hereby declared to be the nominees of the Republican party for members of the Council of the City of Asheville, and their names ordered placed upon the ballot to be used at the General Election on May 13, 1969 as their party's candidates for such office:

Webster Anderson
Luke Atkinson
Charles M. Dent, Jr.
Barbara C. Keleher
J. Don Lane
Otis B. Michael
Wayne S. Montgomery

(d) That the result of said election shall be published immediately by reading at the front door of the City Hall, as required by the Charter of the City of Asheville.

Section 4. That a certified copy of this resolution, with the tabulation set forth in said section 2 made by the members of the Municipal Board of Elections under oath, shall be filed with the City Manager of the City of Asheville.

Eugene Coston moved the passage of the foregoing resolution and Alan Shaw seconded the motion. After discussion said resolution was voted on and declared passed, those voting in favor of said resolution being Edison Hill, Eugene Coston and Alan Shaw, and those voting against said resolution being none.

We, the members of the Municipal Board of Elections of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of a resolution entitled "RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE PRIMARY ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE FOR THE DEMOCRATIC PARTY AND FOR THE REPUBLICAN PARTY HELD APRIL 8, 1969, AND DECLARING THE RESULT THEREOF."

Witness our hands, this 9th day of April, 1969.

S/ G. Edison Hill

S/ Eugene P. Coston

S/ Alan H. Shaw
Members of the Municipal
Board of Elections of
the City of Asheville

HOUSING - TRANSIENT -
NEED FOR

Councilman Mulvaney introduced a resolution determining need for additional units of transient housing in the City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 290.

ASHEVILLE TRANSIT AUTHORITY -
RESOLUTION AUTHORIZING PURCHASE
OF COACHES FROM GENERAL MOTORS
CORPORATION

The City Manager advised that the Asheville Transit Authority and W. B. Hurd, Assistant Administrator of the Urban Mass Transportation Administration had approved the purchase of thirty-four transit coaches from General Motors Corporation.

Councilman McRary then introduced resolution approving the purchase of thirty-four transit coaches from General Motors Corporation, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 291

LAKE JULIAN AND BEE TREE LAKE -
RESOLUTION SETTING FEES FOR USE
OF FACILITIES

Councilman Morgan introduced a resolution setting fees for use of facilities at Lake Julian and Bee Tree Lake, which was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 292.

CAROLINA POWER & LIGHT COMPANY -
EASEMENT

Councilman Crouch introduced a resolution authorizing execution of easement to Carolina Power and Light Company for Lot 51½, Sheet 2, Ward 6, which was, upon motion of Councilman Crouch, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 293.

PEAKE, MRS. BURTON T. - RESIGNATION
AS EXECUTIVE DIRECTOR OF KEEP
ASHEVILLE BEAUTIFUL COMMITTEE

The City Manager read a letter addressed to Mrs. Melvin Taylor, Chairman of the Keep Asheville Beautiful Committee containing the resignation of Mrs. Burton T. Peake as Executive Director of the Keep Asheville Beautiful Committee.

KEEP ASHEVILLE BEAUTIFUL COMMITTEE -
APPOINTMENT OF MEMBERS (Mrs. Charles
Waddell, Mrs. Murry Miller, Mrs. Burton
Peake)

The City Manager read a letter from Mrs. Melvin H. Taylor, Chairman of the Keep Asheville Beautiful Committee recommending the following to fill vacancies existing on the Keep Asheville Beautiful Committee: Mrs. Charles Waddell, Heywood Road, Arden, Mrs. Murry Miller, 25 Redwood Road, Mrs. Burton Peake, 6 Edwin Place.

Councilman Morgan moved that the above appointments be made, which motion was seconded by Councilman McRary and unanimously adopted.

BILLIARD HALL - APPLICATION
OF BONNIE LOUISE REECE AND
JAMES C. REECE - APPROVED

The City Manager presented the application of Bonnie Louise Reece and James C. Reece to operate a billiard hall at 1663 Haywood Road, advising that the application had been approved by the Chief of Police, and that he concurred in said approval.

Councilman Sumner moved that the application be granted, which motion was seconded by Councilman Mulvaney and unanimously adopted.

BIDS - GOLF COURSE TRACTOR
FOR PARKS DEPARTMENT - AWARDED
TO FARM EQUIPMENT CO., INC.

The City Manager advised that after due advertisement bids had been received for furnishing one golf course tractor for the Parks Department as follows:

Blue Ridge Tractor & Implement Co., Inc.	Farm Equipment Co., Inc.	C & H Equipment Co., Inc.	Rogers Ford Tractor Co., Inc.	Porter Brothers, Inc.
$3,170.00	$2,809.00	$2,881.85	$3,049.62	$3,275.00

and recommended that the award be made to the lowest bidder, Farm Equipment Co., Inc. in the amount of $2,809.00

Councilman Morgan moved that the bid be so awarded, which motion was seconded by Councilman McRary and unanimously adopted.

BIDS - ONE PICK-UP TRUCK FOR TAX DEPARTMENT

The City Manager advised that after due advertisement bids had been received for furnishing one pick-up truck for the Tax Department as follows:

Matthews Motor, Inc.	Parkland Chevrolet Co., Inc.	Carolina Truck & Body
$1,796.00	$1,951.00	$2,075.00

and recommended that the award be made to the lowest bidder, Matthews Motor, Inc. in the amount of $1,796.00.

Councilman Crouch moved that the bid be so awarded, which motion was seconded by Councilman Mulvaney and unanimously adopted.

WATER LEAKS - FLUORIDE - PROTEST OF MISS McCOY

Miss Fannie McCoy called attention to a number of water and sewer leaks in the streets of the City of Asheville, and again protested the use of fluoride and other chemicals in the public water supply.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, April 17, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, April 17, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, Robert P. Crouch, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

ASHEVILLE CITY SCHOOLS - POSSIBILITY OF CONSOLIDATING WITH COUNTY

A letter of information from the City School Board was received on the financial arrangement which would be necessary for a merger of the city and county school systems.

CORPORATE LIMITS EXTENSION - HAZEL MILL ROAD - PROTEST

Several letters of protest were received in opposition to a proposed public housing project and annexation in the Hazel Mill Road section

ASHEVILLE AIRPORT - GRANT AGREEMENT - UNITED STATES OF AMERICA - PROJECT 9-09-024-C907

The following resolution was introduced by Councilman Crouch, seconded by Councilman Morgan, read in full, considered and adopted:

RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF GRANT AGREEMENT FOR PROJECT NO. 9-09-024-C907 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF ASHEVILLE, NORTH CAROLINA

BE IT RESOLVED, by the City Council of Asheville, North Carolina:

Section 1. That said City Council hereby authorizes the execution of Grant Agreement between the Federal Aviation Administration on behalf of the United States of America and the City of Asheville, North Carolina.

Section 2. That the Mayor, E. W. Eller, is hereby authorized and directed to execute said Grant Agreement in quadruplicate on behalf of said City of Asheville, North Carolina, and the City Clerk, Margaret Simmons, is hereby authorized and directed to impress the official seal of the City of Asheville, North Carolina and to attest said execution.

Section 3. That the Grant Agreement referred to hereinabove shall be attached hereto and made a part of this Resolution as though it were fully copied herein.

Complete copy of resolution will also be found in Resolution Book #5 at page 294.

ORDINANCE NO. 618 - AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS

Ordinance No. 618, being "AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman Algary voted "aye"
Councilman Crouch voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye".

DDB082

EASEMENT - ASHEVILLE THEATRES, INC.

The City Manager explained a resolution granting an easement for construction of a stairway in an alley beside the Plaza Theatre on Pack Square.

Councilman Crouch then introduced resolution authorizing the granting of an easement, which was, upon motion of Councilman Crouch, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 295.

BIDS - SURPLUS PROPERTY STORED AT CITY GARAGE ON VALLEY STREET

The City Manager advised that after due advertisement only one bid had been received for the surplus property stored at the city garage on Valley Street, and recommended that the bid be awarded to Sternberg & Company in the amount of $60.00.

Councilman Crouch moved that the bid be so awarded, which motion was seconded by Councilman Morgan and unanimously adopted.

BIDS - PULL TYPE STREET PAVER - AWARDED TO E. F. CRAVEN CO.

The City Manager advised that after due advertisement only one bid had been received for a pull type street paver, and recommended that the bid be awarded to E. F. Craven Co. in the amount of $2,935.50.

Councilman Crouch moved that the bid be so awarded, which motion was seconded by Councilman Morgan and unanimously adopted.

ASSISTANT CHIEF JARVIS - LETTER OF COMMENDATION

The City Manager advised that a letter had been received from authorities of Nassau County, N. Y. commending Assistant Chief of Police Gene Jarvis for his police work in a recent murder case.

FEDERAL PROGRAMS - NEW BOUNDARIES - LETTER OF PROTEST TO BE WRITTEN

The City Manager advised that there was a proposal from the President of the United States to redefine the boundaries of HUD, OEO, HEW and other Federal programs which would put North Carolina in the Philadelphia District. The City Manager stated that North Carolina is presently in the Atlanta District, and it is felt that this setup should continue, and that a letter would be written concerning this matter.

LEE H. EDWARDS HIGH SCHOOL BASKETBALL - LETTER OF COMMENDATION

Councilman Crouch called attention to the fact that the Lee H. Edwards basketball team and Larry Grant have recently won honors in the state, and moved that a letter of commendation be forwarded, which motion was seconded by Councilman Algary and unanimously adopted.

STUMPTOWN DELEGATION - REMOVAL OF JUNK AUTOS AND LITTER

Mrs. Phyllis Sherrill, spokesman for a delegation from the Stumptown section, called attention to abandoned autos and litter in this section which she said are a dangerous hazard to the children, requesting that said autos and litter be removed. A number of other citizens also spoke in this behalf.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, April 24, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, April 24, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, J. W. McRary, C. E. Morgan, W. F. Algary, Dr. Robert P. Crouch, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lot 107-1/2, Sheet 8, Ward 9)

A letter was received from Booth-Barfield, Inc. requesting the rezoning of Lot 107-1/2, Sheet 8, Ward 9 from Residential to Neighborhood Trading.

This request was referred to the Planning and Zoning Commission for study and recommendation.

MODEL CITY COMMISSION - ELECTION OF SIX REPRESENTATIVES (Lloyd McCord, Mrs. Alleen Johnson, Mrs. Daisy Glenn, Mrs. Betty R. Smith, Mrs. Nola Knuckles, Wayne E. Jackson)

A letter was received from the Model Neighborhood Selection Board advising of the election of Lloyd McCord, Mrs. Alleen Johnson, Mrs. Daisy Glenn, Mrs. Betty R. Smith, Mrs. Nola Knuckles, Wayne E. Jackson, to the Model City Commission.

A letter was received from the Model Neighborhood Selection Board containing qualifications the Board thought necessary for appointees to have.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT - COMPREHENSIVE PLAN MUST BE SUBMITTED

The City Manager read a letter from the Regional Office of the Department of Housing and Urban Development advising that it was necessary for the Model City Commission to submit a comprehensive plan by May 15th in order to qualify for federal funds.

ORDINANCE 619 - AN ORDINANCE CREATING A MODEL CITY COMMISSION

The City Manager read Ordinance No. 619, being "AN ORDINANCE CREATING A MODEL CITY COMMISSION", and recommended that the Charter requirement that the ordinance be read on three separate days be dispensed with.

Councilman Morgan then introduced Ordinance No. 619, being "AN ORDINANCE CREATING A MODEL CITY COMMISSION, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner abstained
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Crouch voted "aye" — Mayor Eller voted "aye"

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Morgan moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Algary and adopted.

ORDINANCE NO. 619 - AN ORDINANCE CREATING A MODEL CITY COMMISSION

Ordinance No. 619, being "AN ORDINANCE CREATING A MODEL CITY COMMISSION", was, upon motion of Councilman Morgan, seconded by Councilman Algary, passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner abstained
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Crouch voted "aye" — Mayor Eller voted "aye"

ORDINANCE NO. 619 - AN ORDINANCE CREATING A MODEL CITY COMMISSION

Ordinance No. 619, being "AN ORDINANCE CREATING A MODEL CITY COMMISSION", was, upon motion of Councilman Morgan, seconded by Councilman Algary, passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner abstained
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Crouch voted "aye" — Mayor Eller voted "aye"

ORDINANCE NO. 619

AN ORDINANCE CREATING A MODEL CITY COMMISSION

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, THAT THE FOLLOWING ORDINANCE BE ADOPTED:

SECTION 1. MODEL CITY COMMISSION

1.1 Creation.

There is hereby created a Commission of the City of Asheville, designated as the City of Asheville Demonstration Agency (CDA) to be known as the Asheville Model City Commission.

1.2 Purpose.

To direct the planning and execution of a comprehensive, coordinated program to mobilize all neighborhood, public and private, resources to bring about meaningful improvement in the quality of urban life by solving the complex interrelated problems of the Asheville Model City Area and its disadvantaged people and to that end to provide for effective coordination of all public and private agencies which must be involved in the effort and to provide for vital and effective citizen participation in program planning and execution.

SECTION 2. MODEL CITY AREA, NEIGHBORHOODS.

2.1 Initial Boundaries.

The initial Model City area is that area of the City of Asheville shown and designated as "Model Neighborhood Area" on the plat attached to this ordinance and made a part hereof, which area may from time to time be amended and modified by action of the City Council and the federal agencies.

SECTION 3. THE ASHEVILLE MODEL CITY COMMISSION.

3.1 Membership

The Commission shall consist of twelve (12) members six of whom shall be elected from residents of the Model City Neighborhood area as hereafter provided for and six of whom shall be city residents recommended by the Mayor and appointed by the City Council from the City at large, representing the groups hereinafter set forth.

3.2 Qualification for Election and Appointment.

There shall be established 4 precinct areas within the model city area and one member of the Commission shall be elected from each of said 4 precinct areas and the remaining 2, one of whom shall be between the ages of 17 and 21 years, shall be elected from the Model City area at large.

The remaining 6 members of the Commission shall be apppointed by the City Council on the

recommendation of the Mayor: two of such appointees shall represent industry or large employers; one shall represent business; one shall represent education; one shall represent housing and one shall represent health or the medical profession.

3.3 Officers.

A chairman, vice-chairman and secretary shall be elected from the membership of the Model City Commission and shall serve for one year terms or until their successors shall be elected.

The officers shall be elected at the first meeting of the Commission and the successors shall be elected at the Annual Meeting of the Commission thereafter.

Any vacancy in an office shall be filled by election from the membership for the unexpired term.

3.4 Meetings.

The Commission shall hold its annual meeting within 3 days after election and shall thereafter hold regular monthly meetings on the First Monday of each month. Special meetings may be called by the Chairman as the need arises.

3.5 Committees.

The Commission shall appoint from its membership such committees as may be found necessary or desirable and to determine their composition, purpose and duties.

3.6. Powers and Duties.

The Commission may act only within the scope of the By Laws enacted by the Commission and approved by the City Council.

The Commission may not expend any funds beyond those provided in its approved budget, or in any manner legally commit the City of Asheville without having prior approval of the City Council.

Subject to these limitations the Commission may appoint Policy Advisory Boards; contract with other agencies and organizations, public or private; make recommendations relating to the Model City Program for approval by City Council and provide direct advice and support to the Model City Staff.

3.7. Expenditure of Funds and Budget.

The Director of the Department of Finance of the City of Asheville shall serve as Treasurer of all funds of the Commission and shall disburse the same as authorized by City Council.

The Commission shall operate on a fiscal year, from July 1 of each year, and shall submit to City Council annually for approval, its budget for the ensuing year and shall, at least quarterly, furnish to City Council such reports or statements of proposed or past financial activities as may be requested by City Council.

3.8. Adoption of By Laws, Rules and Regulations

The Model City Commission shall adopt such By Laws, Rules and Regulations as it may consider necessary for its guidance and for the efficient and harmonious discharge of its duties and the same shall become effective from and after their approval by City Council.

3.9. Report to Council

The Commission shall submit quarterly, a report of its activities and recommendations to the City Council and shall submit copies of its Minutes and proceedings, which quarterly reports, Minutes and proceedings shall be filed with the City Clerk.

3.10 Executive Director

The Executive Director of the Model City Commission shall be the chief administrative officer of the agency. His responsibility will include planning, staffing, organization, direction and coordination of the Model City Commission Staff.

The Executive Director is to be employed by and work under the Direction of the Commission, provided his appointment is acceptable to the City Council and confirmed by resolution thereof.

3.11 Vacancies on Commission

Any vacancies occurring on the Commission by death, resignation, moving from the neighborhood from which elected, removal for cause or for any other reason, shall be filled for the unexpired term as prescribed in the By Laws of the Commission in the case of the vacancy of an elected member, and shall be filled by the City Council in the case of the vacancy of a member appointed by the City Council.

SECTION 4.

4.1 Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5.

5.1 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6.

6.1 This ordinance shall become effective from and after its passage as by law provided.

I move the adoption of the foregoing ordinance, this the 24 day of April, 1969.

C. E. Morgan
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

DD082

Read, approved and adopted, this 24 day of April, 1969.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

MODEL CITY COMMISSION - MEMBERS RECOMMENDED BY MAYOR (Harold Bowling, Joseph E. Belton, J. W. Byers, Dr. John Barber, Charles Baskerville, Douglas Bolton)

The Mayor recommended that Harold Bowling, Joseph E. Belton, J. W. Byers, Dr. John Barber, Charles Baskerville, and Douglas Bolton be appointed by the City Council to the Model City Commission.

Councilman Morgan moved that the Corporation Counsel be instructed to prepare a resolution confirming the election of the six members and appointing the six members recommended by the Mayor, which was, seconded by Councilman McRary, and adopted with Councilman Sumner abstaining from voting.

ORDINANCE NO. 618 - AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS

Ordinance No. 618, being "AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS," was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Crouch voted "aye" — Mayor Eller voted "aye"

CIVIC REDEVELOPMENT PROJECT N. C. R-13 - APPROVAL OF SALE OF PARCEL #15 TO METROPOLITAN HOTEL COMPANY

Resolution approving sale of Parcel #15 as shown on the disposal map dated May, 1967 of the Civic Redevelopment Project Area, Project No. N. C. R-13 to Metropolitan Hotel Company was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 296.

ASHEVILLE TRANSIT AUTHORITY - RESOLUTION APPROVING AWARD OF FURTHER BIDS AND ACQUISITION OF ADDITIONAL EQUIPMENT

Councilman McRary introduced resolution approving the award of further bids and the acquisition of additional equipment by the Asheville Transit Authority, which was, upon motion of Councilman McRary, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 297.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 1, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, May 1, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, J. W. McRary, T. B. Sumner, W. F. Algary, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

ORDINANCE #618 - AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS

Ordinance No. 618, being "AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Algary voted "aye" — Mayor Eller voted "aye"

ORDINANCE NO. 618

AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 7-27 of the Asheville Code of Ordinances, as amended, be amended as follows:

By adding at the end of said section a new District, to be known as Billiard Hall District No. IX, as follows:

BILLIARD HALL DISTRICT NO. IX

Known as 1663 Haywood Road, and more particularly described as follows: BEGINNING at a spike in the center of the Murphy Branch of the Southern Railway, said spike being located North 22 deg. West 30 feet from the Northeast corner of Lot No. 1 of the property described on Plat of the Kithcart property recorded in Plat Book 2, page 66, of the Office of the Register of Deeds for Buncombe County, N. C. and running thence South 22 deg. East crossing the Old Haywood Road as shown on said Plat Book 2 at page 66, to a point in the center of North Carolina Highway #10; thence with the center of North Carolina Highway #10, the following courses and distances, North 87 deg. 24' West 50 feet to a stake; thence North 84 deg. 8' West 65 feet to a stake; thence North 79 deg. 36' West 135.14 feet to a stake at the intersection of said North Carolina Highway #10 and the tracks of the Southern Railway; with the center of said Southern Railway track, a generally northeasterly direction, a distance of approximately 100 feet to a spike, the point of intersection of the extension of the Northern margin of the Old Haywood Road to the point of intersection with said Southern Railway tracks; thence continuing with the center of said Railroad tracks, South 43 deg. 10' West 100 feet to a spike in the center of the Southern Railway Tracks; thence North 45 deg. 55' East 143.1 feet to the BEGINNING.

Section 2. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 3. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 17 day of April, 1969.

T. B. Sumner
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 1 day of May, 1969, to become effective 16 day of May, 1969.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

Robertson Wall
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

ORDINANCE #620 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

The Mayor announced that today is the date set for a public hearing on the proposed rezoning of Lot 284, Sheet 12, Ward 5, and that due advertisement has been made of said public hearing.

There being no objection, Councilman Sumner introduced Ordinance #620, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Algary voted "aye" — Mayor Eller voted "aye"

FIRE AND POLICE DEPARTMENTS - COMMENDATION

The City Manager read letters from Wachovia Bank & Trust Company, First Union National Bank and Northrup Carolina commending the Police and Fire Department for their efforts in the recent down town fire.

FIRE DEPARTMENT AND POLICE DEPARTMENT - RESOLUTION COMMENDING

Councilman Mulvaney introduced a resolution commending Fire Department and other departments for efforts in fire on April 22, 1969, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 299.

THOMS CABLEVISION - RESOLUTION ALLOWING COLLECTION OF INSTALLATION FEE IN INSTALLMENTS INDEFINITELY

Councilman McRary introduced a resolution allowing Thoms Cablevision to collect installation fee in installments indefinitely, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 300.

ORDINANCE NO. 621 _ AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT DWELLING KNOWN AS ONE GRAIL STREET AND GEORGE WASHINGTON CARVER AVENUE AND OWNED BY RACHEL ADAMS, JAMES PATTON, MAX SULLIVAN, JR., ET AL

Councilman Morgan introduced Ordinance No. 621, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT DWELLING KNOWN AS ONE GRAIL STREET AND GEORGE WASHINGTON CARVER AVENUE AND OWNED BY RACHEL ADAMS, JAMES PATTON, MAX SULLIVAN, JR., ET AL", which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" Councilman Sumner voted "yea"
Councilman Mulvaney voted "aye" Councilman Morgan voted "aye"
Councilman Algary voted "aye" Mayor Eller voted "aye"

HOUSING PROJECT BETWEEN BUSBEE STREET, ST. DUNSTAN'S STREET AND ROEBLING CIRCLE - REFERRED TO METROPOLITAN PLANNING BOARD

The City Manager presented plans for a housing project to go between Busbee Street, St. Dunstan's Street and Roebling Circle.

Councilman Morgan moved that this matter be referred to the Metropolitan Planning Board, which motion was seconded by Councilman Mulvaney and adopted with Councilman Sumner voting no.

WATER BILL - MRS. HAMLIN

Mrs. Hamlin presented a water bill which she said was excessive, and was advised by Mr. Ward that a new meter has been installed, and it is necessary to get a comparison between the old and new meters before any adjustment can be made.

STUMPTOWN DELEGATION - ABANDONED AUTOS AND OTHER JUNK - DISCUSSION

Mrs. Phyllis Sherrill again appeared before the Council to point out the number of abandoned houses, junk autos, junk refrigerators, and other litter in various sections of the city. Several other speakers were heard in this matter and a movie was shown.

During the discussion it was suggested that the movie be shown to the new City Council and also to all the Civic Clubs in the city.

The City Manager suggested that he be directed to ask permission from the Air Pollution Authorities to burn some of these old houses under proper safety conditions, and upon motion of Councilman McRary, seconded by Councilman Algary, the City Manager was directed to so proceed.

BREATHALYZER TEST AND IMPLIED CONSENT LEGISLATION

Mr. W. G. Hutchison discussed the law governing the breathalyzer and the proposed implied consent legislation.

Councilman Sumner moved that the Corporation Counsel draw a resolution endorsing the implied consent legislation, which motion was seconded by Councilman Morgan and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 8, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, May 8, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Robert P. Crouch, F. M. Mulvaney, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT REQUESTED(East side of Grove Street - Pioneer Land Dev. Inc.)

A request was received from the Pioneer Land Dev., Inc. for the rezoning of the east side of Grove Street.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ORDINANCE NO. 620 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 620, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" Councilman Sumner voted "yea"
Councilman Algary voted "aye" Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 621 - AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT DWELLING KNOWN AS ONE GRAIL STREET AND GEORGE WASHINGTON CARVER AVENUE AND OWNED BY RACHEL ADAMS, JAMES PATTON, MAX SULLIVAN, JR., ET AL

Ordinance No. 621, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT DWELLING KNOWN AS ONE GRAIL STREET AND GEORGE WASHINGTON CARVER AVENUE AND OWNED BY RACHEL ADAMS, JAMES PATTON, MAX SULLIVAN, JR., ET AL", was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

DUBOSE

COUNCILMAN McRary voted "aye" Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" Councilman Sumner voted "yea"
Councilman Algary voted "aye" Councilman Morgan voted "aye"
Mayor Eller voted "aye"

SECOND PRIMARY ELECTION - RESULTS

The City Manager presented the results of the second primary election held on May 6, 1969.

MUNICIPAL BOARD OF ELECTIONS
Asheville, N. C.

May 7, 1969

Mr. Phin. Horton, III,
City Manager,
Asheville, N. C.

Dear Sir:

WHEREAS, on Tuesday, May 6, 1969, there was held in the City of Asheville a second Primary Election for six offices of Councilmen of the City of Asheville for the Democratic party; and

WHEREAS, certificates of result of said second Primary Election were certified by the election officials to the Municipal Board of E ections and to the Chief Executive Officer of the City of Asheville by 10:00 A. M. on May 7, 1969; and

WHEREAS, said Municipal Board of Elections canvassed and tabulated said official returns from all 17 city polling precincts for said sscond Primary Election; and

WHEREAS, the results of said election were published immediately by reading at the front door of the City Hall;

NOW, THEREFORE, attached hereto find certified copy of resolution of the Municipal Board of Elections relating to the canvassing of the returns of the second Primary Election for six offices of Councilmen of the City of Asheville, together with sworn statement tabulating said returns.

Yours very truly,

S/ G. Edison Hill
Chairman
S/ Eugene P. Coston
Secretary
S/ Alan H. Shaw

RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE SECOND PRIMARY ELECTION FOR SIX OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE FOR THE DEMOCRATIC PARTY, AND DECLARING THE RESULT THEREOF

BE IT RESOLVED BY THE MUNICIPAL BOARD OF ELECTIONS OF THE CITY OF ASHEVILLE:

Section 1. That the returns of the second Primary Election for city officials for the Democratic party held on May 6, 1969 in the City of Asheville having been received from the Registrars and Judges of Election in the various precincts of the city, and this Board having canvassed the same, the following facts are hereby found and determined:

(a) That each Registrar and Judge for said second Primary Election for city officials held in the City of Asheville on May 6, 1969 was duly qualified by law and had taken the necessary oath.

(b) That the election officers had incorporated in their returns the number of votes cast for Councilmen in each precinct.

(c) That no complaints have been made to this Board.

Section 2. That from the canvass so made this Board has judicially determined the result of the voting in said Primary Election for the Democratic party, and makes the following tabulation of the returns of said election, which tabulation correctly shows the designations of the several precincts at which such election was held, and the number of legal ballots cast in each precinct for each office, the names of each person voted for and the number of votes given to each person for each office, and the totals of such numbers:

DEMOCRATIC PARTY
PRECINCTS

For Councilmen	1	2	3	4	5	6	7	8	9
Harry D. Blomberg	174	189	186	281	292	225	168	52	70
Henry E. Colton	41	193	208	419	474	355	218	54	102
Ruben J. Dailey	247	292	234	358	352	275	206	77	65
Richard B. Ford	129	210	204	252	285	270	219	64	106
Helen L. Gumpert	117	224	202	388	441	261	232	33	64
Shelby E. Horton, Jr.	49	130	164	234	231	202	146	43	52
Ralph D. Morris, Jr.	47	117	212	377	381	342	217	49	73
Eugene C. Ochsenreiter, Jr.	133	245	241	427	413	290	207	49	74
Leroy Ray	59	158	145	199	203	219	133	55	64
Harry Winner	84	235	194	375	424	223	237	51	62
Manly E. Wright	132	245	228	403	415	314	236	56	99

For Councilmen	10	11	12	13	14	15	16	17	TOTALS
Harry D. Blomberg	172	131	53	82	115	211	87	162	2736
Henry E. Colton	29	60	61	78	93	279	231	272	3167
Ruben J. Dailey	270	220	37	67	102	205	156	224	3387
Richard B. Ford	130	120	58	129	105	271	200	164	2916
Helen L. Gumpert	64	102	34	86	92	204	165	266	2975
Shelby E. Horton, Jr.	25	54	51	97	94	261	195	127	2155
Ralph D. Morris, Jr.	85	55	65	59	90	243	198	224	2894
Eugene C. Ochsenreiter, Jr.	107	72	58	84	87	234	153	242	3116
Leroy Ray	38	49	80	149	129	369	322	100	2472
Harry Winner	90	121	45	85	104	227	198	193	2948
Manly E. Wright	119	93	51	109	98	263	193	218	3272

Dated this 7th day of May, 1969.

S/ G. Edison Hill
S/ Eugene P. Coston
S/ Alan H. Shaw
Members of the Municipal
Board of Elections

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE) ss

Subscribed and sworn to before me this 7th day of May, 1969.

My commission expires:
Jan. 6, 1970
(Seal)

S/ Margaret Simmons
Notary Public

Section 3. That from the canvass so made it is judicially determined and declared:

(a) That the following received the highest number of votes cast and received the majority of the votes dast in the Democratic second Primary held on said May 6, 1969 for the office of the City Council, and they are therefore declared to be nominated by said party at said election, and are hereby declared to be nominees of the Democratic party for members of the Council of the City of Asheville, and their names ordered placed upon the ballot to be used at the General Election on May 13, 1969 as their party's candidates for such office:

Henry E. Colton
Ruben J. Dailey
HelenL. Gumpert
Eugene C. Ochsenreiter, Jr.
Harry Winner
Manly E. Wright

(d) That the result of said election shall be published immediately by reading at the front door of the City Hall, as required by the Charter of the City of Asheville.

Section 4. That a certified copy of this resolution, with the tabulation set forth in said section 2 made by the members of the Municipal Board of Elections under oath, shall be filed with the City Manager of the City of Asheville.

Eugene Coston moved the passage of the foregoing resolution and Alan Shaw seconded the motion. After discussion said resolution was voted on and declared passed, those voting in favor of said resolution being Edison Hill, Eugene Coston and Alan Shaw, and those voting against said resolution being none.

We, the members of the Municipal Board of Elections of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of a resolution entitled "RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE SECOND PRIMARY ELECTION FOR SIX OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE FOR THE DEMOCRATIC PARTY, AND DECLARING THE RESULT THEREOF."

WITNESS our hands, this 7th day of May, 1969.

S/ G. Edison Hill
S/ Eugene P. Coston
S/ Alan H. Shaw
Members of the Municipal
Board of Elections of
the City of Asheville

LEASE - ASHEVILLE-HENDERSONVILLE AIRPORT - BUNCOMBE COUNTY WILDLIFE CLUB, INC.

Councilman Morgan introduced a resolution authorizing Mayor to execute lease with Buncombe County Wildlife Club, Inc. for certain property at the Asheville-Hendersonville Airport, which was, upon motion of Councilman Morgan, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 301.
Copy of lease will be found attached to original resolution.

GREENDALE AVENUE - PETITION TO CLOSE

A petition signed by adjoining property owners was presented requesting that Greendale Avenue, an unopened street shown on plat recorded in Plat Book 33 at page 97 in the office of the Register of Deeds, be closed.

GREENDALE AVENUE - DATE SET FOR PUBLIC HEARING ON PETITION TO CLOSE

Councilman Mulvaney introduced a resolution providing for a public hearing on petition to close

Greendale Avenue, being an unopened street shown on plat recorded in Plat Book 33 at page 97 in the Buncombe County office of the Register of Deeds, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 302

IMPLIED CONSENT LAW - COUNCIL ENDORSES

Councilman Algary introduced a resolution endorsing implied consent law, which was, upon motion of Councilman Algary, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 303.

MODEL CITY PROGRAM - RESOLUTION AUTHORIZING SUBMISSION OF REVISED PLANNING WORK PROGRAM AND BUDGET TO HUD AND EXECUTION OF A "CONTRACT FOR A PLANNING GRANT

The City Manager read a resolution entitled "RESOLUTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA AUTHORIZING THE SUBMISSION OF A REVISED PLANNING WORK PROGRAM AND BUDGET TO HUD AND EXECUTION OF A 'CONTRACT FOR A PLANNING GRANT'", which resolution was proposed by the Model City Commission.

A delegation of the elected members of the Model City Commission objected to the adoption of the work program and planning grant proposal with a statement hereby referred to, made a part of and attached to these minutes:

STATEMENT TO THE CITY COUNCIL IN REFERENCE TO THE PROPOSED MODEL CITIES PLANNING BUDGET FOR THE PERIOD APRIL 19, 1969 THROUGH APRIL 18, 1970

It has been brought to the attention of the six elected Model Cities Commissioners that the proposed budget for the planning year was fraudulently conceived and presented to us.

The Model Cities Program Application specifically states (Part 5A, Page 5, Paragraph 6) that:

"Any of the low-income members of the Commission may be reimbursed for their expenses and time in any amount not to exceed $5,000.00 per year, provided such member works full time in their capacity as a Commission member, and provided their gross income does from all sources per year not exceed $5,000.00."

We were falsely advised that HUD had approved the deletion of reimbursement for the elected members of the Commission. The proposed budget has not, in fact, been approved by HUD. We were further told that HUD officials had participated in the revision of the budget being offered for approval.

The Asheville Model Cities Proposal stated that elected members of the Commission must participate in any and all matters of major consequence. This was not the case in the revision of the proposed budget. It was presented to us for consideration at the meeting on May 5, 1969.

We respectfully submit that there appears to have been no real effort on the part of the City to consult with, or inform us, of action taken on this budget at the point in time when it should have been.

We further feel that this is an effort to undermine the poor community. If this is to be the pattern of operation, it will negate the effectiveness of these members of the Commission. It also betrays the trust of the people we represent.

It is believed by these Commissioners that this subterfuge and attempt to defraud or otherwise convert the purposes of this program will destroy the program. We, in this petition, subsequently and formally withdraw our support from this budget before it is approved by this Council.

Mrs. Betty Smith
Wayne Jackson
Mrs. Daisy C. Glenn
Mrs. Aileen Johnson
Lloyd McCord
Mrs. Nola Knuckles

After much discussion about the role of the poor people in the planning process, the resolution was moved by Councilman Algary, seconded by Councilman Morgan, and adopted with Councilman Sumner voting no.

Complete copy of resolution will be found in Resolution Book 5 at page 304.

After the resolution was adopted the City Manager assured the group that the budget is subject to revision by the Commission and review of the City Council.

METROPOLITAN PLANNING BOARD - APPOINTMENT OF ADMINISTRATOR RECOMMENDED

The City Manager presented a communication from the Metropolitan Planning Board recommending an administrator be appointed to coordinate and direct the activities of the Metropolitan Planning Board, the Western North Carolina Regional Planning Commission, the Planning and Zoning Commission, the Asheville Housing Authority and the Urban Redevelopment Commission.

The City Manager then recommended that a position be created to work closely with his office to coordinate the activities and maintain the lines of communication between the several city agencies in the field of Federal programs, and the appointee's duties to embrace the Metropolitan Planning Board, the Western North Carolina Regional Planning Commission, the Planning and Zoning Commission, the Asheville Housing Authority, the Urban Redevelopment Commission, and the Model Cities Program.

Councilman Algary moved that the recommendation of the City Manager be approved, which motion was seconded by Councilman Crouch and unanimously adopted.

FLUORIDATION - PROTEST OF MISS McCOY

Miss Fannie McCoy spoke in opposition to the addition of fluoride to the public water supply.

HOUSING AUTHORITY - APPOINTMENT OF MEMBER (Harold Moore)

The Mayor announced the appointment of Harold Moore as a member of the Housing Authority of the City of Asheville

HOWARD JONES - INTRODUCED

The City Manager introduced Mr. Howard Jones, Administrative Assistant to the City Manager of Shelby.

TRASH AND LITTER - PROTEST

Several complaints were heard in regard to the slow action by the city in providing such service as trash pick-up and repairing a sewer condition in the Haw Creek area.

ZONING - AMENDMENT REQUESTED TO ZONING ORDINANCE (Saint Dunstan's Circle, Saint Dunstan's Road, Roebling Circle, Grindstaff Place, and Sterling Street)

Mr. Cecil Jackson, representing a number of petitioners, requested the passage of an ordinance to rezone all lots and parcels of land adjoining Saint Dunstan's Circle, Saint Dunstan's Road, Roebling Circle, Grindstaff Place and Sterling Street to RA-9 Residential District.

Councilman Sumner moved that the City Clerk be authorized to advertise for a public hearing on this matter, at which time an ordinance would be presented, which motion was seconded by Councilman McRary and unanimously adopted.

Councilman Sumner moved that no building permits be issued in this area until this matter has been heard, which motion was seconded by Councilman McRary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 15, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, May 15, 1969, at 3:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, Robert P. Crouch, J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, City Manager Phin. Horton, III.

The minutes of the previous meeting were read and approved.

ZONING - SAINT DUNSTAN'S CIRCLE AND ST. DUNSTAN'S STREET - PROTEST OF T. O. YOUNGBLOOD

A letter was received from T. O. Youngblood protesting the proposed rezoning of the neighborhood around St. Dunstan's Circle and St. Dunstan's Street and asking for an opportunity to be heard.

He will be advised that a public hearing is set in this matter.

WATER BILL - PROTEST OF G. A. MARSH

A letter was receivdd from G. A. Marsh protesting an alleged excessive water bill. This matter was referred to the Director of the Water Department.

ORDINANCE NO. 620 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 620, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yes"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 620

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned from RA-5 Residential District to BUSINESS DISTRICT:

Lot 284, Sheet 12, Ward 5

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 1 day of May, 1969.

T. B. Sumner
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 15 day of May, 1969, to become effective 30 day of May, 1969.

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

ORDINANCE NO. 621 - AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT DWELLING KNOWN AS ONE GRAIL STREET AND GEORGE WASHINGTON CARVER AVENUE AND OWNED BY RACHEL ADAMS, JAMES PATTON, MAX SULLIVAN, JR., ET AL

Ordinance Nl. 621, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT DWELLING KNOWN AS ONE GRAIL STREET AND GEORGE WASHINGTON CARVER AVENUE AND OWNED BY RACHEL ADAMS, JAMES PATTON, MAX SULLIVAN, JR., ET AL", was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Crouch voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yes"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 621

AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT DWELLING KNOWN AS ONE GRAIL STREET AND GEORGE WASHINGTON CARVER AVENUE AND OWNED BY RACHEL ADAMS, JAMES PATTON, MAX SULLIVAN, JR., ET AL

WHEREAS, proceedings have heretofore been instituted in accordance with Chapter 8, Article II, which is known as The Housing Code of the City of Asheville, in which a Complaint and Notice of Hearing has been issued by the Chief of Building Inspections as provided in Section 8-29(B) 2 charging that that certain property owned by Rachel Adams, James Patton, Max Sullivan, Jr., et al located at 1 Grail Street and George Washington Carver Avenue, Asheville, is in violation of The Housing Code in that said dwelling is unfit for human habitation, following which notice of a public hearing was given to said parties and a hearing has been held by the Chief of Building Inspections on the 28th day of August, 1967, at 2:15 o'clock P. M. and attached hereto is a copy of the Findings of Fact and Order of said Chief of Building Inspections, and reference to the same is hereby made for its full content; and

WHEREAS, it appears that the Findings of Fact and Order were delivered by registered mail to Rachel Adams and James Patton on the 26th day of September, 1967, and that all other persons who claim or may claim any interest in said property have had service of said Findings of Fact and Order upon them by publication; and that said owners have not complied with the Order in any respect, and the Chief of Building Inspections has advised the Council that he has personally examined the premises known as 1 Grail Street and George Washikngton Carver Avenue, Asheville, owned by Rachel Adams, James Patton, Max Sullivan, Jr., et al, and finds no evidence or indication that there are any improvements whatsoever under way or being made on the property at this time and finds no evidence that the Order of the 28th day of August, 1967, has been complied with; and

WHEREAS, it appears to the Council that the Chief of Building Inspections has followed and complied with the requirements of The Housing Code of the City of Asheville in such matters provided,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Chief of Building Inspections is hereby ordered and directed to proceed with and carry out the provisions of said Chapter 8, Article II of the Code of the City of Asheville with respect to that property known as 1 Grail Street and George Washington Carver Avenue, Asheville, owned by Rachel Adams, James Patton, Max Sullivan, Jr., et al, lying and being on the east side of the intersection of Grail Street and George Washikngton Carver Avenue, in the City of Asheville, and bounded and more particularly described as follows:

BEGINNING at a stake in the southern margin of Catholic Avenue (now George Washington Carver Avenue), the northwestern corner of Lot No. 2 as shown on a plat hereinafter referred to; running thence with the western line of said Lot No. 2 South 14 deg. 56' East 60 feet to a stake in the northern edge of the sidewalk on Grail Street; thence with the northern edge of said sidewalk on said Street North 67 deg. 30' West 104 feet to a stake in the same; thence North 3 deg. 41' West 11.7 feet to a stake in the Southern margin of Catholic Avenue (now George Washington Carver Avenue), thence with said margin of said Avenue North 85 deg. 27' East 82 feet to the BEGINNING, and being Lot No. 1 as shown on a plat of the property of Julia D. Shuford, which plat is duly recorded in the office of the Register of Deeds for Buncombe County, North Carolina in Plat Book No. 4, page 72 B reference to which is hereby made for further description of said property; and known for tax purposes as Lot 90, Sheet 5, Ward 1.

2. The Chief of Building Inspections is ordered and directed to proceed with the removal or demolition of the dwelling house located on the premises aforesaid, and otherwise comply with the provisions of the Housing Code.

I move the adoption of the foregoing ordinance, this 1 day of May, 1969.

C. E. Morgan
COUNCILMAN

SECONDED BY: W. F. Algery
COUNCILMAN

Read, approved and adopted, this 15 day of May, 1969, to become effective the 30 day of May, 1969.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

GENERAL ELECTION - RESULTS

The City Manager presented the results of the General Election held May 13, 1969.

MUNICIPAL BOARD OF ELECTIONS
Asheville, N. C.

May 14, 1969

Mr. Phin. Horton, III,
City Manager,
Asheville, N. C.

Dear Sir:

WHEREAS, on Tuesday, May 13, 1969 there was held in the City of Asheville a General Municipal Election for the seven offices of Councilmen of the City of Asheville and for the office of Judge of the Police Court of the City of Asheville and for the office of Solicitor of the Police Court of the City of Asheville; and

WHEREAS, certificates of result of said General Municipal Election were certified by the election officials to the Municipal Board of Elections and to the Chief Executive Officer of the City of Asheville by 10:00 A. M. on May 14, 1969; and

WHEREAS, said Municipal Board of Elections canvassed and tabulated said official returns from all 17 city polling precincts for said General Municipal Election; and

WHEREAS, the results of said election were published immediately by reading at the front door of the City Hall;

NOW, THEREFORE, attached hereto find certified copy of resolution of the Municipal Board of Elections relating to the canvassing of the returns of said General Municipal Election, together with sworn statement tabulating said returns.

Yours very truly,

G. Edison Hill
Chairman
Eugene P. Coston
Secretary
Alan H. Shaw

RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE GENERAL MUNICIPAL ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE, FOR THE OFFICE OF JUDGE OF POLICE COURT OF THE CITY OF ASHEVILLE, AND FOR THE OFFICE OF SOLICITOR OF POLICE COURT OF THE CITY OF ASHEVILLE HELD MAY 13, 1969, AND DECLARING THE RESULT THEREOF

BE IT RESOLVED BY THE MUNICIPAL BOARD OF ELECTIONS OF THE CITY OF ASHEVILLE:

Section 1. That the returns of the General Municipal Election for seven offices of Councilmen of the City of Asheville, for the Judge of Police Court of the City of Asheville, and for Solicitor of Police Court of the City of Asheville, held on May 13, 1969 in the City of Asheville having been received from the Registrars and Judges of election in the various precincts of the city, and this Board having canvassed the same, the following facts are hereby found and determined:

(a) That each Registrar and Judge for said General Municipal Election for seven offices of Councilmen of the City of Asheville, for Judge of Police Court of the City of Asheville, and for Solicitor of Police Court of the City of Asheville held in the City of Asheville on May 13, 1969 was duly qualified by law and had taken the necessary oath.

(b) That the election officers had incorporated in their returns the number of votes cast for Councilmen, for Judge, and for Solicitor of the City of Asheville in each precinct.

(c) That no complaints have been made to this Board.

Section 2. That from the canvass so made this Board has judicially determined the result of the voting in said General Municipal Election, and makes the following tabulation of the returns of said election, which tabulation correctly shows the designations of the several precincts at which such election was held, and the number of legal ballots cast in each precinct for each office, the name of each person voted for and the number of votes given to each person for each office, and the totals of such numbers:

DDB082

DEMOCRATIC PARTY
PRECINCTS

For Councilman	1	2	3	4	5	6	7	8	9
Henry E. Colton	197	443	446	644	738	621	397	136	297
Robert P. Crouch	232	477	489	696	748	726	458	141	242
Ruben J. Dailey	344	525	448	591	653	538	358	131	176
Helen L. Gumpert	225	435	390	596	651	510	381	109	167
Eugene C. Ochsenreiter, Jr.	223	445	429	650	675	544	368	124	179
Harry Winner	223	434	394	575	654	507	381	125	179
Manly E. Wright	221	427	421	621	661	561	367	137	198
For Judge of Police Court									
Sam M. Cathey	206	386	367	508	524	521	349	124	180
For Solicitor of Police Court									
Peter L. Roda	195	369	373	542	568	527	374	121	180
For Councilmen									
Henry E. Colton	205	158	144	189	215	526	403	433	6038
Robert P. Crouch	233	197	175	254	253	616	451	407	6795
Ruben J. Dailey	391	322	116	155	221	428	334	368	6141
Helen L. Gumpert	195	201	117	160	185	358	306	384	5370
Eugene C. Ochsenreiter, Jr.	220	166	155	192	202	458	358	358	5747
Harry Winner	248	206	140	195	208	443	355	323	5590
Manly E. Wright	225	173	138	191	213	459	365	342	5720
For Judge of Police Court									
Sam M. Cathey	124	150	145	179	195	456	369	311	5094
For Solicitor of Police Court									
Peter L. Roda	103	138	143	170	193	456	350	327	5129

REPUBLICAN PARTY
PRECINCTS

For Councilmen	1	2	3	4	5	6	7	8	9
Webster Anderson	47	373	423	706	644	659	374	135	302
Luke Atkinson	55	355	435	562	495	653	338	135	310
Charles M. Dent, Jr.	51	311	392	520	495	618	368	126	267
Barbara C. Keleher	56	375	461	752	726	682	421	136	287
J. Don Lane	37	303	361	464	423	687	334	117	270
Otis B. Michael	187	477	416	502	411	544	340	148	259
Wayne S. Montgomery	84	420	485	811	770	810	468	155	330

For Councilmen	10	11	12	13	14	15	16	17	TOTALS
Webster Anderson	25	86	227	344	243	700	514	431	6230
Luke Atkinson	39	90	287	399	350	911	650	369	6433
Charles M. Dent, Jr.	36	90	210	322	232	620	476	346	5480
Barbara C. Keleher	40	126	227	321	258	702	527	479	6576
J. Don Lane	29	89	218	319	231	647	484	315	5328
Otis B. Michael	257	272	198	301	284	548	412	339	5889
Wayne S. Montgomery	50	115	262	375	298	801	602	521	7357

Dated this 14th day of May, 1969.

G. Edison Hill
Eugene P. Coston
Alan H. Shaw
Members of the Municipal Board of Elections

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE)

Subscribed and sworn to before me this 14th day of May, 1969.

My commission expires:
Jan. 6, 1970
(Seal)

Margaret Simmons
Notary Public

Section 3. That from the canvass so made it is judicially determined and declared:

(a) The following seven were officially elected to the office of City Councilmen for the City of Asheville:

Henry E. Colton
Robert P. Crouch
Ruben J. Dailey
Webster Anderson
Luke Atkinson
Barbara C. Keleher
Wayne S. Montgomery

(b) That the following man was officially elected to the office of Judge of Police Court for the City of Asheville:

Sam M. Cathey

(c) That the following man was officially elected to the office of Solicitor of the Police Court for the City of Asheville:

Peter L. Roda

Section 4. That the result of said election shall be published immediately by reading at the front door of the City Hall, as required by the Charter of the City of Asheville.

Section 5. That a certified copy of this resolution, with the tabulation set forth in Section 2 made by the members of the Municipal Board of Elections under oath, shall be filed with the City Manager of the City of Asheville.

Eugene Coston moved the passage of the foregoing resolution and Alan Shaw seconded the motion. After full discussion said resolution was voted on and declared passed, those voting for said resolution being Edison Hill, Eugene Coston and Alan Shaw, and those voting against said resolution being None.

We, the members of the Municipal Board of Elections of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of a resolution entitled "RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE GENERAL MUNICIPAL ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE, FOR THE OFFICE OF JUDGE OF POLICE COURT OF THE CITY OF ASHEVILLE, AND FOR THE OFFICE OF SOLICITOR OF POLICE COURT OF THE CITY OF ASHEVILLE HELD MAY 13, 1969, AND DECLARING THE RESULT THEREOF."

WITNESS our hands, this 14th day of May, 1969.

G. Edison Hill
Eugene P. Coston
Alan H. Shaw
Members of the Municipal
Board of Elections of the
City of Asheville

DEED - LOW INCOME HOUSING DEVELOPMENT CORPORATION

Councilman Crouch introduced a resolution directing Mayor to execute deed to Low Income Housing Development Corporation, which was, upon motion of Councilman Crouch, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 305.

WESTGATE CORPORATION - AGREEMENT RE DISPOSITION OF STATE HIGHWAY COMMISSION CONDEMNATION FUNDS

Councilman Morgan introduced a resolution relating to the disposition of the State Highway Commission condemnation funds in the matter of the Westgate Corporation, without prejudice to the final determination of said condemnation action, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, adopted with Councilman Sumner voting no.

Complete copy of resolution will be found in Resolution Book #5 at page 306.

ASHEVILLE TRANSIT AUTHORITY - APPOINTMENT OF MEMBER (Ralph Morris, Jr.)

Councilman McRary introduced a resolution appointing member of Asheville Transit Authority, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 307.

ASHEVILLE TRANSIT AUTHORITY - MAYOR AUTHORIZED TO PURCHASE FROM COUNTY OF BUNCOMBE CERTAIN PROPERTY FOR USE OF

Councilman Sumner introduced a resolution authorizing the Mayor to purchase from the County of Buncombe by tax deed Lots Nos. 139 and 139½ and to hold such property in the name of the City of Asheville for the use and benefit of the Asheville Transit Authority, which was, upon motion of Councilman Sumner, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 308

CITY COUNCIL - APPRECIATION

Mr. George Tisdale, on behalf of the Central Asheville Association, thanked the City Council and Mayor Eller for many years of service given to the city and pledged the support of his organization to the new City Council.

Words of appreciation for the accomplishments of the City Council were also spoken by Carl B. Hyatt, Jr., Francis Heazel, Jack Woodcock, O. K. Starnes, Jr., Mrs. Sue Peake on behalf of the Keep Asheville Beautiful Committee, and George Stephens, Sr.

Councilman Algary then moved that this Council wish for the new Council every success in their efforts to make Asheville a greater city in their term of office, which motion was seconded by Councilman Morgan and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Monday, May 19, 1969 - 10:00 o'clock A. M.

The newly elected City Council held its organization meeting at 10:00 o'clock A. M. on Monday, May 19, 1969 with Councilman Crouch presiding.

The members of the Council took the oath of office individually, which oath was administered by Honorable R. Curtis Ratcliff, Clerk of Superior Court, as follows:

COUNCILMEN: Webster Anderson, Wayne Montgomery, Henry E. Colton, Ruben J. Dailey, Luke Atkinson, Mrs. Barbara C. Keleher, Robert P. Crouch

ELECTION OF MAYOR

Councilman Crouch announced that the next order of business is the election of Mayor.

Councilman Anderson nominated Wayne Montgomery for Mayor, and Councilman Dailey nominated Robert P. Crouch for Mayor. A roll call was taken with Crouch, Dailey and Colton voting for Crouch, and Keleher, Atkinson, Anderson, and Montgomery voting for Montgomery. Councilman Crouch withdrew his name and Councilman Colton moved that Montgomery be nominated by acclamation, which motion was seconded by Councilman Keleher and unanimously adopted.

ELECTION OF VICE-MAYOR

Councilman Atkinson nominated Webster Anderson as Vice-Mayor, and Councilman Colton nominated Robert P. Crouch for Vice-Mayor. A roll call was taken with Crouch, Dailey and Colton voting for Crouch, and Keleher, Atkinson, Anderson and Montgomery voting for Anderson. Councilman Crouch withdrew his name and Councilman Colton moved that Anderson be nominated by acclamation, which motion was seconded by Councilman Atkinson and unanimously adopted.

JUDGE AND SOLICITOR OF POLICE COURT - OATH OF OFFICE

The oath of office was then administered Judge Sam M. Cathey as Judge of Police Court, and Peter L. Roda as Solicitor of Police Court.

CITY MANAGER, CORPORATION COUNSEL, CITY CLERK AND CIVIL SERVICE BOARD - REMAIN IN OFFICE

Councilman Crouch introduced a resolution covering appointive officials of the City of Asheville, which was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 309.

BANKING DEPOSITORIES DESIGNATED - (Wachovia Bank and Trust Company, First Union National Bank, Bank of Asheville, First-Citizens Bank & Trust Co., and The Northwestern Bank

Councilman Dailey introduced a resolution designating banking depositories for city funds, which was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 310.

BONDS - CITY EMPLOYEES

Councilman Atkinson introduced a resolution designating the officers and employees who shall give bonds for performance of their duties and setting amounts thereof, which was, upon motion of Councilman Atkinson, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 311.

CITY COUNCIL - TIME OF WEEKLY MEETINGS

Councilman Keleher introduced resolution prescribing the time and day of the weekly meeting of the City Council, which was, upon motion of Councilman Keleher, seconded by Councilman Anderson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 312.

SALARIES OF OFFICERS AND EMPLOYEES - REMAIN THE SAME

Councilman Crouch moved that the salaries of officers and employees of the City remain the same until changed by order of the Council, which motion was seconded by Councilman Atkinson and unanimously adopted.

The minutes of the previous meeting were read and approved.

ORDINANCE NO. 622 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 386 and 386½ BROADWAY AVENUE, 161 CLINGMAN AVENUE, 67 HILL STREET, 30 AND 50 MILLER STREET, 107, 109 and 139 POPLAR STREET AND 63 WAYNESVILLE AVENUE

The City Manager read and explained Ordinance No. 622, being "AN ORDINANCE DIRECTING THE HOUSING

OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 386 AND 386½ BROADWAY AVENUE, 161 CLINGMAN AVENUE, 67 HILL STREET, 30 AND 50 MILLER STREET, 107, 109 AND 139 POPLAR STREET AND 63 WAYNESVILLE AVENUE", which was upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously passed on its first reading with the following vote:

Councilman Crouch voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Councilman Colton voted "aye"
Councilman Atkinson voted "aye" — Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

EXECUTIVE DIRECTOR OF PLANNING AND FEDER AL PROGRAMS - CONCEPT APPROVED BY COUNCIL

The City Manager advised that the previous Council had approved a position to be created to work closely with his office to coordinate the activities and maintain the lines of communication between the several city agencies in the field of Federal programs, the appointee's duties to embrace the Metropolitan Planning Board, the Western North Carolina Regional Planning Commission, the Planning and Zoning Commission, the Asheville Housing Authority, the Urban Redevelopment Commission, and the Model Cities Program.

Councilman Crouch moved that this concept be approved by the Council, and that such a position be created, which motion was seconded by Councilman Anderson and unanimously adopted.

The City Manager then announced the appointment of Neal Hanks as Executive Director of Planning and Federal Programs.

CITY MANAGERS' CODE OF ETHICS - DISTRIBUTED TO COUNCIL

The City Manager distributed copies of the City Managers' Code of Ethics to members of the Council.

BOARDS AND COMMISSIONS APPOINTED BY COUNCIL - DISTRIBUTED TO COUNCIL

The City Manager distributed a list of Boards and Commissions appointed by the Council to members of the City Council.

BUDGET STATEMENT

The City Manager presented the statement showing the budget position of the city as of April 30, 1969.

CHARTER REQUIREMENT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

The Mayor advised that it had been called to his attention that Ordinance No. 622 should be read on its second and third readings today.

Councilman Crouch moved that the requirement of the City Charter that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Anderson and unanimously adopted.

ORDINANCE NO. 622 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 386 AND 386½ BROADWAY AVENUE, 161 CLIMGNAN AVENUE, 67 HILL STREET, 30 AND 50 MILLER STREET, 107, 109 and 139 POPLAR STREET AND 63 WAYNESVILLE AVENUE

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Councilman Crouch voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Councilman Colton voted "aye"
Councilman Atkinson voted "aye" — Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 622 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 386 AND 386½ BROADWAY AVENUE, 161 CLINGMAN AVENUE, 67 HILL STREET, 30 AND 50 MILLER STREET, 107, 109 AND 139 POPLAR STREET AND AND 63 WAYNESVILLE AVENUE

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Councilman Crouch voted "aye" — CouncilmanDailey voted "aye"
Councilman Keleher voted "aye" — Councilman Colton voted "aye"
Councilman Atkinson voted "aye" — Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

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ORDINANCE NO. 622

AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 386 AND 386½ BROADWAY AVENUE, 161 CLINGMAN AVENUE, 67 HILL STREET, 30 AND 50 MILLER STREET, 107, 109 AND 139 POPLAR STREET AND 63 WAYNESVILLE AVENUE

WHEREAS, proceedings have heretofore been instituted in accordance with Chapter 8, Article II of the Code of the Ordinances of the City of Asheville, known as The Housing Code of the City of Asheville, in which Complaints and Notices of Hearings have been issued by the Chief of Building Inspections or his designated agent as provided in Section 8-29 (B) 2 charging that the following properties are in violation of the Housing Code in that said dwellings are unfit for human habitation, following which, notices of public hearings were given to the following respective owners and parties in interest therein, and that hearings have beenheld on the dates set forth below as appears in the respective Complaints and Notices of Hearings and Findings of Fact and Orders on file in the Public Safety Department, a copy of which is on file in the office of the City Clerk, and recorded in the Office of the Clerk of Superior Court for Buncombe County in the Record of Lis Pendens, reference to which is hereby made for their full content:

1. 386 and 386½ Broadway Avenue - J. L. Widman, Sr., Owner - Hearing held 31 July 1967 at 2:00 P. M.
2. 161 Clingman Avenue _ R. Holmes Sawyer, Owner; Alfred and Primrose Bailey, Maude Young and Horace Curry, Tenants - Hearing held 26 August 1968 at 2:00 P. M.
3. 67 Hill Street - Elna T. Castion, Evelyn Shaw, and Josephine A. Castion, Guardian of Eugene M. Castion, Jr., Incompetent, Owners - Hearing held 15 October 1968 at 1:30 P. M.
4. 30 Miller Street - James Harris and wife, Mary E. Harris, Owners, M. F. Meredith and the Gr amatan Company, Inc., Mortgagees - Hearing held 3 August 1967 at 1:30 P. M.
5. 30 Miller St reet - Joseph D. Young, Owner - Hearing held 20 September 1967 at 2:00 P. M.
6. 107 and 109 Poplar Street - Carolyn Williams Hentz, Owner - Ellis C. Jones, Mortgagee - Hearing held 6 July 1967 at 1:30 P. M.
7. 139 Poplar Street - Jeanne Bowman, Lattie Walker Smith, James Eric Walker, Alma Evelyn Flint, Edward A. Walker, Louise Walker Ellerson and Elnora Walker Quarles - Hearing held 6 September 1968 at 1:30 P. M.
8. 63 Waynesville Avenue - William L. Burrell, Owner - Lattie L. McAbee, Mortgagee - Hearing held 17 September 1968 at 2:30 P. M.

WHEREAS, it appears that said Findings of Fact and Orders were delivered by registered or certified mail to said owners and parties in interest on the dates set forth below and that said owners have not complied with said Orders in any respect, except James Harris and wife, Mary E. Harris, owners of the property known as 50 Miller Street; and the Housing Officer has advised the Council that he has personally examined said properties and finds no evidence or indication that there are any improvements whatsoever under way or being made upon the properties at this time, and finds no evidence that said Orders are being complied with, except said dwelling known as 50 Miller Street which has been partially demolished following the entering of the Order to demolish said dwelling:

1. 386 and 386½ Broadway Avenue - Registered letter delivered to J. L. Widman, Sr. 11 August 1967.
2. 161 Clingman Avenue - Certified letter delivered to R. Holmes Sawyer 9 October 1968, to Alfred and Primrose Bailey and Maude Young 5 October 1968, and to Horace Curry 8 October 1968.
3. 67 Hill Street - Certified letters delivered to Elna T. Castion and Evelyn Shaw 19 October 1968, and service accepted by Josephine A. Castion, Guardian of Eugene M. Castion, Jr., Incompetent, 23 October 1968.
4. 30 Miller Street - Registered letter delivered to Joseph D. Young 28 October 1967.
5. 50 Miller Street - Registered letter delivered to James Harris and wife, Mary E. Harris 11 August 1967, to M. F. Meredith 29 August 1967, and to The Gramatan Company, Inc. 16 August 1967.
6. 107 and 109 Poplar Street - Registeredletter delivered to Carolyn Williams Hentz, 20 July, 1967, and service accepted by Ellis C. Jones 11 July 1967.
7. 139 Poplar Street - Certified letters delivered to Edward A. Walker 5 October 1968, to Lattie Walker Smith 24 October 1968, to Jeanne Bowman 26 September 1968, to Alma Evelyn Flint and Elnora Walker Quarles 27 September 1968, and to James Eric Walker 28 October 1968.
8. 63 Waynesville Avenue - Certified letter delivered to John C. Joyner, Trustee for Lattie L. McAbee 36 September 1968, and to William L. Burrell 27 September 1968.

WHEREAS, it appears to the Council that the Housing Officer has followed and complied with the requirements of the Housing Code of the City of Asheville as in such matters provided.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. The Housing Officer is hereby ordered and directed to proceed with and carry out the provisions of said Chapter 8, Article II of the Code of Ordinances of the City of Asheville with respect to those properties known as 386 and 386½ Broadway Avenue, owned by J. L. Widman, Sr.; 161 Clingman Avenue, owned by R. Holmes Sawyer at the time said Order for Demolition was entered and subsequently conveyed to Pioneer Welding Supply, Inc.; 69 Hill Street, owned by Elna T. Castion, Evelyn Shaw and Eugene M. Castion, Jr.; 30 Miller Street, owned by Joseph D. Young; 50 Miller Street, owned by James Harris and wife, Mary E. Harris by demolishing and removing the remaining portions thereof; 107 and 109 Poplar Street, owned by Carolyn Williams Hentz; 139 Poplar Street, owned by Jeanne Bowman, Lattie Walker Smith, James Eric Walker, Alma Evelyn Flint, Edward A. Walker, Louise Walker Ellerson, and Elnora Walker Quarles; and 63 Waynesville Avenue, owned by William L. Burrell, said properties lying and being in the City of Asheville and more particularly described in said respective Findings of Fact and Orders on file in the Public Safety Department, copies of which are filed in the Office of the City Clerk and the Office of the Clerk of Superior Court for Buncombe County in the Record of Lis Pendens, reference to which is hereby made for metes and bounds descriptions of same.

2. The Housing Officer is ordered and directed to proceed with the removal or demolition of the dwelling houses located on the premises aforesaid, and otherwise comply with the provisions of the Housing Code.

I move the adoption of the foregoing Ordinance, this the 19 day of May, 1969.

Robert P. Crouch
COUNCILMAN

SECONDED BY: Barbara C. Keleher
COUNCILMAN

Read, approved and adopted, this 19 day of May, 1969, to become effective 4 day of June, 1969.

Wayne S. Montgomery
MAYOR

APPROVED AS TO FORM:

Robertson Wall
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

CITY EMPLOYEES - CIVIL SERVICE

Councilman Anderson made a statement regarding status of Civil Service employees, and moved that the Council will back Civil Service rules and regulations, which motion was seconded by Councilman Crouch and unanimously adopted.

There being no further business, the meeting was adjourned.

MAYOR Wayne S. Montgomery, MD

CITY CLERK Margaret Simmons

Thursday, May 22, 1969 - 4:30 o'clock P. M.

The City Council met in special session Thursday, May 22, 1969, at 3:00 o'clock P. M., after due notice to each Councilman and publication as required by the City Charter, with Mayor Wayne S. Montgomery presiding. Present: Councilmen Ruben J. Dailey, Luke Atkinson, Mrs. Barbara C. Keleher, Henry E. Colton, Webster Anderson, City Manager Phin. Horton, III and Corporation Counsel Robertson Wall.

The reading of the minutes of the previous meeting was dispensed with.

RECREATION PARK SWIMMING POOL

The Mayor announced that the only business to be discussed is the swimming pool at Recreation Park.

The City Manager gave a brief resume of the discussions held on this matter, and presented the recommendations of the Recreation Board. The City Manager then presented a resolution prepared in accordance with said recommendations.

Miss McCoy objected to the pool being opened on account of the chemicals in the water.

Dr. Stevens commended the Board, and advised that the Board of Health agreed for the pool to be opened under certain prescribed rules and regulations, and further advised that the operation of the pool under these conditions would present no health hazard.

Mr. Blue of the Recreation Park Swim Club agreed that the Club would operate the pool during the coming season.

Mr. William M. Peyton expressed appreciation on behalf of the Recreation Board.

Following the discussion a resolution covering operation of swimming pool at Asheville Recreation Park was, upon motion of Councilman Colton, seconded by Councilman Dailey, unanimously adopted.
Complete copy of resolution will be found in Resolution Book 5 at page 313.
There being no further business, the meeting was adjourned.

MAYOR Wayne S. Montgomery, MD

CITY CLERK Margaret Simmons

Thursday, May 29, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, May 29, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Robert P. Crouch, Mrs. Barbara C. Keleher, Luke Atkinson, Ruben Dailey, Henry Colton, Webster Anderson, City Manager Phin. Horton, III and Corporation Counsel James Golding.

The minutes of the previous meeting were read and approved.

MICHAEL, OTIS B. - LETTER OF CONGRATULATIONS

A letter was received from Dr. Otis B. Michael congratulating the Council on their recent victory in the Gener al Election.

ASHEVILLE-BILTMORE BOTANICAL GARDENS, INC. - REQUEST FOR IMPROVEMENTS

A letter was received from the Asheville-Biltmore Botanical Gardens, Inc. requesting that the city correct a surface water condition, that directional signs to the gardens be erected, and that the entrance to the gardens be improved.

CLAIM FOR DAMAGES - CHARLIE BURNS CLARK

A claim for damages on behalf of Charlie Burns Clark in the amount of $30,000.00 was received.

This claim was referred to the Corporation Counsel for investigation.

GOLDING, JAMES M. - APPOINTED CORPORATION COUNSEL

Councilman Keleher introduced a resolution appointing Corporation Counsel, which was, upon motion of Councilman Keleher, seconded by Councilman Atkinson, unanimously adopted.

The oath of office was administered to Mr. Golding by Mayor Montgomery.

Complete copy of resolution will be found in Resolution Book 5 at page 314.

ZONING - PUBLIC HEARING (Saint Dunstan Road, Saint Dunstan Circle, Roebling Circle, Sterling Street and Grindstaff Place)

The Mayor announced that, after due advertisement, today is the date set for the public hearing on the proposed rezoning of lots adjoining Saint Dunstan's Circle, Saint Dunstan's Road, Roebling Circle, Grindstaff Place and Sterling Street, and opened the public hearing at 3:15.

Mr. Cecil Jackson, representing forty property owners, who signed a petition requesting this rezoning, spoke in favor of the rezoning.

Mr. T. O. Youngblood spoke against the rezoning of said property and asked that the matter be referred to the Planning and Zoning Commission. Also speaking against said rezoning were T. W. Youngblood and Bill Moore.

The Mayor announced at 3:40 that the public hearing was closed.

Councilman Anderson then moved that the matter be referred to the Planning and Zoning Commission for study and recommendation, which motion was seconded by Councilman Atkinson and unanimously adopted.

ORDINANCE NO. 623 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1969 ANE ENDING JUNE 30, 1970

Councilman Crouch introduced Ordinance No. 623, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1969 AND ENDING JUNE 30, 1970", which was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously passed on its first reading with the following vote:

Councilman Crouch voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Councilman Colton voted "aye"
Councilman Atkinson voted "aye" — Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - SUSPENDED

Councilman Crouch moved that the Charter requirement that the ordinance be read on three separate days be suspended, which motion was seconded by Councilman Anderson and unanimously adopted.

ORDINANCE NO. 623 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1969 AND ENDING JUNE 30, 1970

Ordinance No. 623, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1969 AND ENDING JUNE 30, 1970," was, upon motion of Councilman Crouch, seconded by Councilman Keleler, unanimously passed on its second reading with the following vote:

Councilman Crouch voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Councilman Colton voted "aye"
Councilman Atkinson voted "aye" — Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 623 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1969 ANE ENDING JUNE 30, 1970

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Councilman Crouch voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Councilman Colton voted "aye"
Councilman Atkinson voted "aye" — Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 623

AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1969 AND ENDING JUNE 30, 1970

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1.

That to raise funds for general municipal purposes, the following license taxes hereinafter specified

are hereby levied for the privilege of carrying on the business, trades, professions, callings, occupations, or doing the act named, or selling, or offering for sale any of the articles enumerated herein, within the corporate limits of the City of Asheville, from the first day of July, 1969, to the thirtieth day of June, 1970, unless for some other time or period herein specified, and all such taxes shall be due and payable in advance at the office of the Director of Finance. If any person shall fail to pay any license tax required by this ordinance by August 1, 1969, 5%per month, retroactive to July 1st, of the amount of such license shall be added to the tax required, and no license shall be granted until the license tax, plus the five (5%) per centum per month thereof, has been paid. The addition of the five (5%) per centum per month on the amount of said license tax shall not exempt the delinquent from the penalties herein prescribed in case of delinquency. The payment of any particular tax herein imposed shall not relieve the party paying same from liability for any other tax specifically imposed for any other business conducted by such person.

Section 2.

That all persons, before engaging in any business, trade, profession, calling, occupation, or doing any act on which a license tax is imposed by this ordinance, shall, except as hereinafter provided, apply for and procure in advance, from the Director of Finance or someone designated by him, for license, and upon payment of the license tax herein imposed a license shall be issued to said applicant. Such license must be posted conspicuously in the place of business licensed, and if the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. No license shall be transferable or assignable except by consent of the City Manager.

Section 3.

(a) That any person, firm or corporation, desiring to engage in any business, trade, or vocation, or do anything hereinafter mentioned in this paragraph, may be required to appear in person before the Director of Finance for a license, stating the place at which it is proposed to conduct the business, the name of the owner of the business, or, if the owner be a firm, the names of all members of such firm, or, if the owner be a corporation, the names of the officers, including the manager. And the Director of Finance shall also have the right to require the owner, proprietor, manager, or other person, interested in or connected with such business, to give evidence upon oath, touching the manner in which such business has been or is to be conducted, as well as any other facts which the Director of Finance, may deem necessary. This section shall apply to the following:

1. Keepers of Billiard, Pocket Billiard, or Bagatelle Tables.
2. Bowling Alleys, or Alleys of like kind.
3. Shooting Galleries.
4. Cane Boards, Jingle Boards, or Knife Racks.
5. Penny Arcades.
6. Merry-Go-Rounds, Ferris Wheels, Switchbacks, or Roller Coasters.
7. Any kind of Table, Stand, Place, or Game, kept in a house or room used or connected with a hotel or restaurant.
8. Carnivals, Theatres, Motion Picture Shows, Vaudeville Shows, Dance Halls, Roof Gardens, or Menageries.
9. Phrenologists. (Prohibited.)
10. Lunch Counters or Restaurants.
11. Hotels, Lodging Houses, or Boarding Houses.
12. Soft Drinks.
13. Junk Dealers.
14. Pressing Clubs.
15. PawnBrokers.
16. Second-Hand Dealers.
17. Gasoline or Oil Filling Pipes, Service Tanks, or Pumps.

(b) A license may be refused for any business enumerated in the preceding sub-section unless the City Manager shall be satisfied that the applicant, or the proposed manager, is a person of good moral character, and fit and proper person to conduct such business, and unless he shall also be satisfied that the place proposed is a suitable place fof the conduct of such business.

(c) That billiard rooms, pool rooms, bowling alleys, bagatelle tables, or rooms where games or tables of like kind are operated, and also restaurants, cafes, lunch counters, or places where soft drinks are sold, be kept clear of screens or sight obstructions of any kind.

Section 4.

That before license shall be issued for any of the following businesses, the applicant shall execute a satisfactory bond, payable to the City, in the amount hereinafter named, conditioned for the faithful observance by such licensee, his or its servants, agents, or employees, of all laws and ordinances now in force or hereinafter enacted, relating to such business, and further conditioned to save the City harmless from damage arising from the negligence of such licensee or agents, servants, or employees thereof, and otherwise as the City Manager may determine.

1. Pawnbrokers	$ 1,000.00
2. Junk Dealers	1,000.00
3. Electrical Contractors	1,000.00
4. Electric Sign Contractors and Hangers	500.00
5. Plumbing Contractors	1,000.00
6. Sidewalk or Paving Contractors doing any work on sidewalks or streets costing not over $300.00	100.00
Doing such work costing over $300.00	1,000.00
7. House Movers	500.00
8. Taxicabs	500.00

Section 5.

That whenever the word "person , is used in this ordinance, the same shall be construed to include "firms", "Companies", "corporations", and "associations."

Section 6.

Where the amount to be paid for license depends upon the amount of gross sales or receipts, or other facts to be ascertained, it shall be the duty of persons applying for license to render to the Director of Finance a sworn statement of such gross sales or receipts during the preceding months, quarter, or year, as the dase may be, and such other and further proof as the Director of Finance may require, shall be rendered said Director of Finance; and in either case, the Director of Finance shall not be required to receipt for the money or issue any license until satisfactory proofs are furnished. In case the business for which the license is required is commenced after July 1, 1969 and the tax on such business is based upon gross sales or receipts or facts to be

ascertained, the license shall be assessed upon the probable gross sales or receipts during a term of one year; or if the amount of tax to be paid is determined by othef facts to be ascertained, then a sworn statement as to such facts shall be made, and the license based thereon. Provided, however, that the Director of Finance shall have the right at any time during the period covered by any license to require of such licensee additional sworn statements as to the sales and receipts or other determining facts of such business, and an additional license tax shall be paid in accordance therewith.

Section 7.

When any business is begun after January 1, 1970, the licensee shall pay for such business and the privilege of operating same one-half of the tax prescribed; provided, however, that no license shall be issued for less than one dollar. This section is in compliance with Section 100, Article 2, Schedule B, Sub-section B, of the Revenue Act of the State of North Carolina for 1939, as amended.

Section 8.

The adoption of this schedule of license tax shall not abridge the right of the City Council to change, alter, increase, or decrease, any or all of the license taxes herein levidd, or to levy taxes on businesses, trades, or professions not hereby taxed, at any time. And when any increase is made, the license shall be revoked unless such license tax be paid within thirty (30) days.

Section 9.

Should any section, paragraph, sentence, clause, or phrase, of this ordinance, be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 10.

A separate license shall be required for each place of business, and every class of business for which a license tax is required by this ordinance.

Section 11.

Any license issued under this ordinance shall be subject to revocation or suspension for adefinite or indefinite time by the City Manager, without refund of any part of the tax paid, if the licensee or manager, or person in charge of the business, or employees, shall violate any ordinance or law relative to such business, or be convicted of crime, or if, in the judgment of the City Manager, the licensee does, by reason of its nature or the manner or place in which it is conducted, constitute a nuisance or is a menace to good order or to public health, welfare, safety, or morals. And upon the revocation or suspension of any such license, it shall be unlawful for the person to whom such license was granted to continue to conduct such business. Any person, firm, or corporation, violating this provision, shall pay a penalty of fifty ($50.00 dollars. Each day such business is conducted after revocation or suspension of license, shall constitute a separate offense.

Section 12.

It shall be the duty of the Director of Finance to see that the Solicitor of the Police Court is furnished with a list of all unpaid license taxes for the fiscal year of 1969-1970, and it shall be the duty of the Solicitor of the Police Court to issue warrants for all delinquents, and to prosecute as vigorously as necessary and demand that the same be paid or inflict a penalty as provided in this ordinance.

Section 13.

That every person who shall violate any provision of this ordinance, or carry on any business, trade, or vocation, or profession on which a license tax has been fixed, without having first paid the tax and received a license, shall be liable to a penalty of fifty ($50.00) dollars for each offense, and each daysaid business shall be carried on shall constitute a separate and distinct offense.

Section 14.

When a license is issued, it is presumed that the location of the business or the kind of business licensed is not prohibited by some other ordinance, however, if same is prohibited or found to be illegal or illegally operated, the City Manager has the authority to revoke the license.

Section 15.

That LICENSE SCHEDULE, Section 15, of Ordinance No. 495, ENTITLED "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1964 AND ENDING JUNE 30, 1965", as recorded in City of Asheville Docket 34 of the Minutes of the Proceedings of the Council at pages 451 through 582, and as same as recorded in City of Asheville Docket No. 4, Ordinances of the City of Asheville, at pages 299 through 340, be and the same is hereby adopted and re-enacted and incorporated herein and made a part hereof as fully as if set out at length herein, together with all amendments thereto.

Section 16.

Any person who shall willfully make any false statement in an application for license under any section of this ordinance or schedule shall, upon conviction, be liable for a penalty of fifty ($50.00) dollars.

Section 17.

That all ordinances of parts of ordinances in conflict with this ordinance are hereby repealed; provided, that such repeal shall in no way affect any rights heretofore acquired for the collection of any taxes heretofore made, or any rights heretofore acquired under any ordinance of this city.

Section 18.

That this ordinance shall become effective July 1, 1969.

I move the adoption of the foregoing ordinance, this the 29 day of May, 1969.

Robert P. Crouch
COUNCILMAN

SECONDED BY: Barbara C. Keleher
COUNCILMAN

Read, approved and adopted by the Council on first reading, 29 day of May, 1969, with all members of the Council present voting "aye"; read, approved and adopted by the Council on second reading, 29 day of May,

1969, with all members of the Council present voting "aye"; and upon its third reading approved and adopted on the 29 day of May, 1969, with all members of the Council present voting "aye". This ordinance shall become effective 1 day of July, 1969.

Wayne S. Montgomery
MAYOR

APPROVED AS TO FORM:

J. M. Golding
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

ZACHARY, MRS. KAY - APPOINTED DEPUTY CLERK OF POLICE COURT

Resolution appointing Mrs. Kay Zachary as the Deputy Clerk of the Police Court of the City of Asheville was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

Mrs. Zachary was given the oath of office by Mayor Montgomery.

Complete copy of resolution will be found in Resolution Book 5 at page 315.

CIVIL SERVICE BOARD - APPOINTMENT OF MEMBERS (Wesley J. Potter, Director, and J. T. Rice)

Councilman Anderson introduced resolution appointing two members of Civil Service Board, which was, upon motion of Councilman Anderson, seconded by Councilman Keleher, unanimously adopted.

The oath of office was administered to Mr. Potter, who was designated as Director, by Maypr Montgomery.

Complete copy of resolution will be found in Resolution Book 5 at page 316.

LIBRARY BOARD - APPOINTMENT OF MEMBERS (Mrs. Peter Elting and Mrs. Thomas F. Hall)

Councilman Atkinson introduced a resolution appointing two members to the Library Board of the City of Asheville, which was, upon motion of Councilman Atkinson, secondedby Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 317.

ASHEVILLE CHAMBER OF COMMERCE, INC. - RESOLUTION DESIGNATING COUNCIL's REPRESENTATIVE (Henry E. Colton)

Councilman Anderson introduced a resolution designating Henry E. Colton as Council's representative on the Board of Directors of Asheville Chamber of Commerce, Inc., which was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted. Councilman Crouch suggested that the Council's representative be included on the Executive Committee of the Chamber of Commerce.

Complete copy of resolution will be found in Resolution Book 5 at page 318.

OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES, INC. - RESOLUTION DESIGNATING WAYNE S. MONTGOMERY AS COUNCIL'S REPRESENTATIVE ON BOARD OF DIRECTORS

Councilman Crouch introduced a resolution designating Wayne S. Montgomery as Council's representative on the Board of Directors of the Opportunity Corporation of Madison-Buncombe Counties, Inc., which was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 319.

POLICEMEN'S AND FIREMEN'S PENSION FUND - RESOLUTION AUTHORIZING WEBSTER ANDERSON TO SIGN PENSION CHECKS

Councilman Keleher introduced a resolution authorizing Webster Anderson, Mayor Pro Tem to sign all checks authorized to be issued under the provisions of Article IV, Section 79 (Pensions for Policemen) and under Article V, Section 102 (Pensions for Fireman), which was, upon motion of Councilman Keleher, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 320.

BIDS - SALE OF 15 BUSES - awarded Jerry Sternberg Co. and Blue Ridge Paving Co.

The City Manager advised that after due advertisement bids had been received for fifteen buses which were acquired by the Asheville Transit Authority, and recommended acceptance of bid for four buses for the sum of $2,555.00 by Blue Ridge Paving Co. and bid for eleven buses for the sum of $126.44 by Jerry Sternberg Co.

Jerry Sternberg Co.	Carolina Bus Sales	Blue Ridge Paving Co.
for 11 buses $126.44	For 15 buses $10.00	For four buses $2,555.00

Councilman Crouch moved that the bids be so awarded, which motion was seconded by Councilman Anderson and unanimously adopted.

BUILDING PERMIT FEES - NO EXCEPTIONS

The City Manager discussed building permit fee charges, and advised that churches and non-profit organizations have been allowed to not pay such fees, but in the interest of uniformity he would like to change this so there would be no exceptions to the building permit fee charges, and that all architects and contractors would be so notified.

Councilman Anderson moved that the policy as recommended by the City Manager be adopted, which motion was seconded by Councilman Colton and unanimously adopted.

URBAN RENEWAL - EAST RIVERSIDE - DISCUSSION

Councilman Dailey presented a statement given to him by Mrs. Roy Rogers expressing strong feelings about the East Riverside Urban Renewal area, and protesting the appointment of Neal Hanks as Executive Director of Planning and Federal Programs, particularly in regard to the Model Cities Program.

Mr. Hanks, who was present at the meeting, advised that he would have no direct authority or responsibility in the Model Cities program, but would provide advice and assistance if it was requested.

The City Manager explained the function of the Executive Director of Planning and Federal Programs would be to provide administrative communications between the various agencies involved.

Other speakers heard in connection with Urban Renewal included James McDowell, Miss Fannie McCoy and Reverend Wesley Grant.

WATER BILLS - PROTEST

Councilman Dailey presented a number of water bills and asked that these bills be passed on to the proper authorities for adjustment.

Several other citizens spoke in regard to their water bills, and Mrs. Nell Stroupe spoke about water revenues and high water bills.

ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL - BEST WISHES

Miss Sylvia Yancey, spokesman for the Asheville-Buncombe County Youth Council, wished the Council success.

CITY CENTER - INVESTIGATION REQUESTED

Mr. George Coggins, chairman of a committee of the Asheville Tourists Association, advised his Association thought parking facilities and the half-acre site for the planned City Center were inadequate, and requested that a thorough study be made of the situation.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

Thursday, June 5, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, June 5, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilman Robert P. Crouch, Mrs. Barbara C. Keleher, Luke Atkinson, Ruben Dailey, Henry Colton, Webster Anderson, and City Manager Phin. Horton, III.

The minutes of the previous meeting were read and approved.

OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES - RESOLUTION DESIGNATING WEBSTER ANDERSON AS COUNCIL'S REPRESENTATIVE ON BOARD OF DIRECTORS

Councilman Atkinson introduced a resolution designating Webster Anderson as Council's representative on the Board of Directors of the Opportunity Corporation of Madison-Buncombe Counties, which was, upon motion of Councilman Atkinson, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 321.

SOUTHERN RAILWAY COMPANY - RIGHT-OF-WAY FOR WATER PIPE LINE UNDER TRACKS

Councilman Anderson introduced a resolution authorizing Mayor to execute right-of-way agreement with Southern Railway Company for a water pipe line under tracks of the company, which was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 322.
Copy of agreement will be found attached to original resolution.

DEED - PRESENTED TO CITY BY WEST ASHEVILLE YOUTH AND RECREATION CENTER, INC.

Mr. Frank Leppert on behalf of the West Asheville Youth and Recreation Center, Inc. presented to the city a deed for Lot 5 of Block 4 as shown on a plat of the Iron Springs Tract of Logan Brown recorded in book 198 at page 188 of the office of the Register of Deeds for Buncombe County to be used as a park and recommended that this park be named in honor of Miss Augusta L. Barnett, Director of Parks and Recreation. Mr. Leppert also advised that a check would be forthcoming in the amount of $800.35 to be used to purchase recreation equipment for said lot.

The Mayor thanked Mr. Leppert for this gift on behalf of the city.

BUDGET ESTIMATE - TO BE PRESENTED

The City Manager advised the Council that the budget estimate would be presented on June 19th.

PROJECT 3000 - REPORT

Councilman Anderson gave a brief resume of the activities of Project 3000, advising that the office will be located in the old YMCA Building and that the Opportunity Corporation is furnishing a number of interviewers to work on this project.

ASHEVILLE-BILTMORE COLLEGE - PART OF UNIVERSITY SYSTEM

Councilman Crouch moved that the Mayor extend best wishes and congratulations to Asheville-Biltmore College which will soon become a part of the University system of the State of North Carolina, which motion was seconded by Councilman Anderson and unanimously adopted.

BLACK NEIGHBORHOODS - DISCUSSION - FILM

Mrs. Fannie Gardner spoke about the condition of the black neighborhoods in the city, including junk cars, trash and litter, refrigerators and houses that need to be torn down, and in this connection a film showing said conditions was shown.

Also speaking were John Childs of the Stumptown area; Mrs. Rogers of East Riverside; Mrs. Nola Knuckles of the Flint Street Area; James McDowell and Mrs. Louise Conley.

Miss Fannie McCoy spoke about metropolitan government and protested the appointment of Neal Hanks as Director of Federal and Planning Programs.

PETITION - REQUESTING RUMBOUGH PLACE BE MADE ONE-WAY STREET

Mrs. Susan Henderson presented petitions signed by a number of residents requesting that Rumbough Place be made a one-way street. Mrs. Henderson also requested that parking regulations be enforced. Mrs. Henderson alleged that drinking, fighting and other misdemeanors were taking place at the swimming pool in the area, and asked that an investigation be made of this.

ASHEVILLE FIREFIGHTERS' ASSOCIATION - request salary increase

Mr. Jim Shroat, President of the Asheville Firefighters Association compared the salaries of firemen with those of other North Carolina cities, and requested that the Asheville salaries be brought up to the state level within the next two years. Mr. Shroat also discussed the matter of representation on the Pension Board.

COMPLAINT - MRS. WESLEY SPRINKLE

Mrs. Wesley Sprinkle complained of a number of conditions in her neighborhood, including auto racing, a pony, broken sewer line, and barking dogs.

She was advised to contact the Buncombe County Health Department in regard to some of these complaints.

WATER BILL - MATTHEW TOMLINSON

Mr. Matthew Tomlinson complained of his water bill, and was referred to Mr. Ward.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, MD
MAYOR

Margaret Kinimore
CITY CLERK

Monday, June 9, 1969 - 4:30 P. M.

A special called meeting of the Council of the City of Asheville, North Carolina, was held at the City Hall, the regular place of meeting, at 4:30 o'clock P. M., on June 9, 1969.

Present: Mayor Wayne S. Montgomery presiding, and Councilmen Keleher, Atkinson, Dailey, Colton, and Anderson.

Absent: Councilman Crouch.

Councilman Anderson introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $4,000,000 Auditorium Bonds was passed by the Council of the City of Asheville on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held on December 5, 1967.

(b) That none of said bonds has been issued and that there are outstanding $1,000,000 Auditorium Bond Anticipation Notes which were issued in anticipation of the receipt of the proceeds of a like amount of said bonds, which notes are dated October 24, 1968, mature on June 24, 1969 and bear interest at the rate of 3.60% per annum.

Section 2. In anticipation of the receipt of the proceeds of a like amount of said bonds, the issuance of $1,000,000 negotiable notes of the City of Asheville is hereby authorized, which notes shall be designated "Auditorium Bond Anticipation Notes", shall be dated June 23, 1969, shall mature on October 23, 1969, without option of prior payment, and shall bear interest at a rate to be determined by the Local Government Commission at the time the notes are sold, not exceeding 6% per annum, which interest shall be payable at the maturity of the notes to which no interest coupons shall be attached. Said notes shall be payable as to principal and interest at such bank or trust company, and shall have such denomination or denominations and bear such number or numbers as may be fixed by the Mayor after the award of the notes by the Local Government Commission, and both the principal of and the interest on said notes shall be payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. This resolution, being a resolution directing administrative action shall take effect immediately.

Approved as to form:

Corporation Counsel

Mayor

City Clerk

Thereupon, upon motion of Councilman Anderson, seconded by Councilman Dailey, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES" was passed by the following vote:

Yeas: Councilmen Keleher, Atkinson, Dailey, Colton, Anderson and Mayor Montgomery

Nays: None

Thereupon Councilman Anderson introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF $700,000 REDEVELOPMENT BOND ANTICIPATION NOTES

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $1,400,000 Redevelopment Bonds was passed by the Council of the City of Asheville on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held on December 5, 1967.

(b) That none of said bonds has been issued and that there are outstanding $700,000 Redevelopment Bond Anticipation Notes which were issued in anticipation of the receipt of the proceeds of a like amount of said bonds, which notes are dated December 20, 1968, mature June 24, 1969 and bear interest at the rate of 3.60% per annum.

Section 2. In anticipation of the receipt of the proceeds of a like amount of said bonds, the issuance of $700,000 negotiable notes of the City of Asheville is hereby authorized, which notes shall be designated "Redevelopment Bond Anticipation Notes", shall be dated June 23, 1969, shall mature on October 23, 1969, without option of prior payment, and shall bear interest at a rate to be determined by the Local Government Commission at the time the notes are sold, not exceeding 6% per annum, which interest shall be payable at the maturity of the notes to which no interest coupons shall be attached. Said notes shall be payable as to principal and interest at such bank or trust company, and shall have such denomination or denominations and bear such number or numbers as may be fixed by the Mayor after the award of the notes by the Local Government Commission, and both the principal of and the interest on said notes shall be payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. This resolution, being a resolution directing administrative action shall take effect immediately.

Approved as to form:

Corporation Counsel

Mayor

City Clerk

Thereupon, upon motion of Councilman Anderson, seconded by Councilman Keleher, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $700,000 REDEVELOPMENT BOND ANTICIPATION NOTES" was passed by the following vote:

Yeas: Councilmen Keleher, Atkinson, Dailey, Colton, Anderson and Mayor Montgomery

Nays: None

Thereupon Councilman Colton introduced the following resolution which was read:

RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF $1,700,000 BOND ANTICIPATION NOTES TO BE ISSUED UNDER DATE OF JUNE 23, 1969, AND RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE APPROVAL, ADVERTISEMENT AND SALE OF SAID NOTES

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The $1,000,000 Auditorium Bond Anticipation Notes and the $700,000 Redevelopment Bond Anticipation Notes to be issued by the City of Asheville under date of June 23, 1969, shall be signed by the Mayor and the City Clerk and the corporate seal of the City shall be affixed to the notes and said notes shall have endorsed thereon the written approval of the City Attorney.

Section 2. Said notes and the endorsement to be placed upon the reverse of said notes shall be substantially as follows:

No. _____ $_____

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE

.....Bond Anticipation Note

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer on the 23rd day of October, 1969, the principal sum of

_____ THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of _____ per centum (_____) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of and the interest on this note are payable at _____, in _____, _____, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts. For the prompt payment hereof both principal and interest as the same become due, the full faith and credit of said City of Asheville are hereby irrevocably pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of a like amount of _____Bonds duly authorized by an ordinance passed by the Council of said City on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held, and this note is issued pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and a resolution duly passed by the Council of said City.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this note have happendd, exist and have been performed in regular and due form and time as so required, and that the total indebtedness of said City, including this note, does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, said City of Asheville has caused this note to be signed by its Mayor and its City Clerk and the corporate seal of the City to be affixed hereto, all as of the 23rd day of June, 1969.

_____
Mayor

_____
City Clerk

The issuance of this note is hereby approved.

_____
City Attorney

(To be endorsed upon the reverse of notes)

Local Government
Commission Serial No. ...

The issuance of this note has been approved under the provisions of the Local Government Act of North Carolina.

H. E. BOYLES,
Secretary, Local Government Commission

By:_____
Designated Assistant

Section 3. The dotted line in the second paragraph of the note form set forth in Section 2 of this resolution shall be filled as follows:

In the Auditorium Bond Anticipation Notes there shall be inserted the word "Auditorium".

In the Redevelopment Bond Anticipation Notes there shall be inserted the word "Redevelopment."

Section 4. The action of the City Manager in applying to the Lodal Government Commission to approve, advertise and sell said notes, and the action of the Local Government Commission in asking for bids for said notes by publishing a sale notice and printing and distributing circulars, be and the same are hereby ratified and confirmed.

Section 5. This resolution, being a resolution directing administrative action shall take effect immediately.

Approved as to form:

_____
Mayor

_____
Corporation Counsel

_____
City Clerk

Thereupon, upon motion of Councilman Colton, seconded by Councilman Anderson, the foregoing resolution entitled "RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF $1,700,000 BOND ANTICIPATION NOTES TO BE ISSUED UNDER DATE OF JUNE 23, 1969, AND RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE APPROVAL, ADVERTISEMENT AND SALE OF SAID NOTES" was passed by the following vote:

Yeas; Councilmen Keleher, Atkinson, Dailey, Colton, Anderson, and Mayor Montgomery

Nays: None

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, M.D.
MAYOR

Margaret Newcombe
CITY CLERK

Thursday, June 12, 1969 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 12, 1969, at 3:00 o'clock P. M. with Vice-Mayor Webster Anderson presiding. Present: Councilmen Crouch, Keleher, Atkinson, Dailey, Colton, Mayor Montgomery, City Manager Phin. Horton, III and Corporation Counsel James Golding.

The minutes of the previous meeting were read and approved.

CIVIL SERVICE BOARD -
MANNER OF SELECTION
OF FIFTH MEMBER

A letter was received from the Civil Service Board advising that the Board had been unable to select a fifth member and that according to law the City Council shall choose a fifth member of said Board.

Action was deferred on this matter until a later meeting.

PLANNING AND ZONING COMMISSION -
RECOMMENDATION RE SAINT DUNSTAN PLACE,
SAINT DUNSTAN CIRCLE, STERLING STREET
AND GRINDSTAFF PLACE

A letter was received from the Planning and Zoning Commission recommending that the property on Saint Dunstan Road, Saint Dunstan Circle, Sterling Street and Grindstaff Place be rezoned from RA-6 Residential District to RA-9.

The City Manager advised that an ordinance had been prepared.

PLANNING AND ZONING COMMISSION -
RECOMMENDATION RE Lot 107-1/2, Sheet 8,
Ward 9

A letter was received from the Planning and Zoning Commission recommending that Lot 107-1/2, Sheet 8, Ward 9 be rezoned from RA-6 Residential District to Neighborhood Trading Area.

Councilman Crouch moved that the City Clerk be authorized to give notice of a public hearing on said recommendation, at which time an ordinance complying with the recommendation would be presented, which motion was seconded by Councilman Keleher and unanimously adopted.

PLANNING AND ZONING COMMISSION -
RECOMMENDATION RE PROPERTY ON
EAST SIDE OF GROVE STREET

A letter was received from the Planning and Zoning Commission recommending that the request that the property on the east side of Grove Street be rezoned from RA-M District to Commercial District be denied. In this connection a letter was received from the Pioneer Land Developers, Inc. requesting that the Council defer action on the request until further notice.

SALLEY SUMNER SUBDIVISION -
PLAT APPROVED BY PLANNING
AND ZONING COMMISSION

A letter was received from the Planning and Zoning Commission approving the plat of the Salley Sumner Subdivision, subject to certain corrections to be made, including a change in the street name and final approval of the plat by City Council.

GREENDALE AVENUE - RESOLUTION
AUTHORIZING ABANDONMENT AND
CLOSING

The City Manager advised that today is the date set for the public hearing on the proposed closing of Greendale Avenue, an unopened street, and that due advertisement had been made of said public hearing, and the Vice-Mayor opened said public hearing at 3:12.

There being no objection, the public hearing was closed at 3:14, and Councilman Crouch introduced a resolution authorizing abandonment and closing and disclaiming any public interest in Greendale Avenue, being an unopened street shown on plat recorded in Plat Book 33, at page 97 in the Buncombe County office of the Register of Deeds, which was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 327.

PROCLAMATION - LEAGUE OF
WOMEN VOTERS

The City Manager advised that the Mayor had signed a proclamation proclaiming the day of June 13th as League of Women Voters Day in Asheville and urging all citizens to support the efforts of this organization.

The League of Women Voters representative distributed handbooks to members of the Council.

PROCLAMATION - AMERICAN
RED CROSS DESIGNATED AS
OFFICIAL DISASTER RELIEF AGENCY

The City Manager advised that the Mayor had signed a proclamation designating the American Red Cross as the official disaster relief agency in Asheville.

ZONING - SAINT DUNSTAN ROAD, SAINT
DUNSTAN CIRCLE, STERLING STREET,
AND GRINDSTAFF PLACE - DISCUSSION

The City Manager presented the ordinance rezoning the property facing on Saint Dunstan Road, Saint Dunstan Circle, Sterling Street and Grindstaff Place.

Mrs. Charles Lindsey of the Fair Housing Division of the Interfaith Committee on Housing, spoke against the rezoning of said property. Also speaking against said rezoning were Bill Moore, T. O. Youngblood, Peter Feistman and Mrs. Gladys Rustig of the League of Women Voters.

Speaking for the rezoning were Cecil Jackson, representing some 40 property owners in the area; Bill Clendenning, Mrs. Irene Scarborough, Dr. R. C. Nailling, and others.

Following the discussion, no action was taken by the Council.

CIVIL DEFENSE ADVISORY BOARD - APPOINTMENT OF MEMBERS (Eugene Jarvis, W. T. Fitts, Ellis D. Fysal and Luke Atkinson

Councilman Crouch introduced a resolution appointing members of Advisory Board of the Civil Defense Board, which was, upon motion of Councilman Crouch, seconded by Councilman Kelener, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 328.

MERRIMON AVENUE - PLAN TO IMPROVE FLOW OF TRAFFIC

The City Manager advised that Paul Dutcher, Traffic Engineer, had prepared a schematic plan for changing Merrimon Avenue so it can better handle the peak traffic flow, which plan must be approved by the State Highway Commission.

Councilman Crouch moved that the City Manager, Traffic Engineer and Corporation Counsel proceed to draw the proper ordinance, which motion was seconded by Councilman Atkinson and unanimously adopted.

BID - $1,700,000 BOND ANTICIPATION NOTES

The City Manager advised that a bid had been received for 5.99% interest on the $1,700,000 bond anticipation notes.

PROJECT 3,000 - REPORT

The Vice-Mayor gave a brief report on the progress of Project 3,000.

MASON RANKIN - RESOLUTION OF APPRECIATION TO BE DRAWN

Councilman Colton moved that the City Attorney draft a resolution expressing appreciation for the services of Mason Rankin as Vice-Chairman of the Planning and Zoning Commission, which motion was seconded by Councilman Crouch and unanimously adopted.

CITY CENTER - MISS McCOY

Miss Fannie McCoy spoke against the location of the City Center.

PROJECT 3,000 PROTEST

Daniel Norris spoke concerning alleged discrimination in Project 3,000. Other speakers included James McDaniel, William Wynn, Patricia Noland, Loraine Hand and others.

There being no further business the meeting was adjourned.

Webster Anderson
VICE-MAYOR

Margaret Simmons
CITY CLERK

Thursday, June 19, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, June 19, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Robert P. Crouch, Mrs. Barbara C. Keleher, Luke Atkinson, Ruben Dailey, Henry E. Colton, Webster Anderson, City Manager Phin. Horton, III and Corporation Counsel James Golding.

The minutes of the previous meeting were read and approved.

TIME LIMIT ON SPEAKERS

The Mayor announced that persons who wished to speak to the Council would be limited to three minutes and asked that there be no questions to the speakers from the floor.

G. MASON RANKIN - RESOLUTION OF CONDOLENCE

Councilman Anderson introduced a resolution regarding the service of the late G. Mason Rankin as Vice- Chairman of the Planning and Zoning Commission, which was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

G. MASON RANKIN

WHEREAS, G. Mason Rankin, Vice Chairman of the Planning and Zoning Commission of the City of Asheville, died on the 12th day of June, 1969, in Asheville, North Carolina; and

WHEREAS, G. Mason Rankin, was born in Gastonia, North Carolina, on the 18th day of May, 1924, and was educated at Woodbury Forest and the University of North Carolina where he received academic honors as evidenced by his membership in Phi Beta Kappa; and

WHEREAS, G. Mason Rankin served his Country and State with honor during the Second World War as an officer in the United States Navy; and

WHEREAS, he has been an active member of the Asheville Community for the past eighteen years, during which time he became a member of the Lion's Club, served with dedication on the Board of Stewards of the Central Methodist Church and upon the Advisory Board of Saint Genevieve-of-the-Pines, became a member of the Asheville Chamber of Commerce and Treasurer of the Sales and Marketing Club and enjoyed success in his business pursuits; and

WHEREAS, he was loved and respected as a member of his community and as a citizen of the City of Asheville and State of North Carolina, and admired and respected by all those who knew him, being well devoted to his family, friends and associates; and

WHEREAS, in his passing the Asheville community has lost an outstanding citizen and a loyal friend;

NOW, THEREFORE, BE IT RESOLVED:

That in the passing of G. Mason Rankin the Asheville community has lost an outstanding member, citizen and able servant.

That a copy of this Resolution be incorporated as a part of the record of the proceedings of this Council and that a duplicate copy be transmitted by the Mayor of this City to the widow and family of G. Mason Rankin.

I move the adoption of the foregoing Resolution.

Webster Anderson
COUNCILMAN

SECONDED BY: Ruben J. Dailey
COUNCILMAN

Read, approved and adopted, this 19 day of June, 1969.

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

Wayne S. Montgomery
MAYOR

Margaret Simmons
CITY CLERK

A copy of said resolution will also be found in Resolution Book 5 at page 329.

BUDGET ESTIMATE - 1969-70

The City Manager presented the budget estimate for the city for the fiscal year 1969-70.

Councilman Crouch moved that the budget be taken under consideration by the Council, that it lie on the desk of the City Clerk for twenty days, and that the City Clerk advertise in the newspaper that the budget is open for public inspection, which motion was seconded by Councilman Keleher and unanimously adopted.

HUMAN RELATIONS COORDINATOR - DISCUSSION

The Mayor asked if it would be possible to improve the effectiveness of the Human Relations Coordinator by the employment of additional personnel, and the City Manager advised he would look into the matter.

CITY CENTER ADVISORY COMMITTEE - APPOINTMENT OF MEMBER (Ruben J. Dailey)

Councilman Anderson introduced a resolution designating Council representative on City Center Advisory Committee, which was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 330.

UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE DAY

Councilman Crouch introduced a resolution declaring the 1st day of July, 1969 as the University of North Carolina at Asheville Day, which was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 331.

AGREEMENT FOR FIRE PROTECTION - VANDERBILT SHIRT CO., INC. AND LANDRY LTD. SHIRT CO., INC.

Councilman Keleher introduced a resolution authorizing Mayor to enter into agreement with Vanderbilt Shirt Co., Inc. and Landry Ltd. Shirt Co., Inc. for fire protection, which was, upon motion of Councilman Keleher, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 332.
Copy of agreement will be found attached to original resolution.

FLUORIDATION - MISS McCOY

Miss McCoy protested the addition of calgon, caustic soda and fluoride to the public water supply.

URBAN RENEWAL - PROTEST

Mrs. Roy Rogers spoke against urban renewal.

JUNK CARS - PETITION TO REMOVE

William Hodges presented a petition signed by a number of residents of Lee Walker Heights asking that junk cars in the vicinity be removed.

PROJECT 3,000 - DISCUSSION

James McDowell, stating he represented the negro youth of the city, spoke against alleged discrimination in Project 3,000, and asked for more recreational facilities.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery
MAYOR

Margaret Simmons
CITY CLERK

Thursday, June 26, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, June 26, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Mrs. Barbara C. Keleher, Luke Atkinson, Ruben Dailey, Henry E. Colton, Webster Anderson, City Manager Phin. Horton, III and Corporation Counsel James Golding.

The minutes of the previous meeting were read and approved.

SITE PLAN - WESTERN CAROLINA CORPORATION - APPROVAL REQUESTED

A letter was received from Western Carolina Corporation requesting approval of a Group Development Site Plan.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ORDINANCE NO. 624 - INTERIM APPROPRIATION ORDINANCE

Councilman Anderson introduced Ordinance No. 624, being Interim Appropriation Ordinance, which was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously passed on its first reading with the following vote:

Councilman Keleher voted "aye"
Councilman Atkinson voted "aye"
Councilman Dailey voted "aye"
Councilman Colton voted "aye"
Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS--DISPENSED WITH

Councilman Anderson moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Keleher and unanimously adopted.

ORDINANCE NO. 624 - INTERIM APPROPRIATION ORDINANCE

Ordinance No. 624, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously passed on its second reading with the following vote:

Councilman Keleher voted "aye"
Councilman Atkinson voted "aye"
Councilman Dailey voted "aye"
Councilman Colton voted "aye"
Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 624 - INTERIM APPROPRIATION ORDINANCE

Ordinance No. 624, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously passed on its third and final reading with the following vote:

Councilman Keleher voted "aye"
Councilman Atkinson voted "aye"
Councilman Dailey voted "aye"
Councilman Colton voted "aye"
Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 624

INTERIM APPROPRIATION ORDINANCE

Section 1. That in order to operate the city from July 1, 1969 to the date of the adoption of the 1969-70 Budget Ordinance, appropriations are hereby made for the purpose of paying salaries, the principal and interest on indebtedness, and the usual ordinancy expenses of the city at the same rate of expenditure as provided for in the budget for the 1968-69 fiscal year. This ordinance shall cease to be effective from and after the adoption of the 1969-70 Budget Ordinance, and all expenditures made in accordance with this ordinance shall be chargeable to appropriations made in the 1969-70 ordinance.

Section 2. This being an ordinance relating to budgets and appropriations shall be in full force and effect immediately upon its final passage.

I move the adoption of the foregoing ordinance, this 26th day of June, 1969.

Webster Anderson
COUNCILMAN

SECONDED BY: Ruben J. Dailey
COUNCILMAN

Read, approved and adopted, this 26th day of June, 1969, to become effective 26th day of June, 1969.

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

Wayne S. Montgomery
MAYOR

Margaret Simmons
CITY CLERK

CIVIC REDEVELOPMENT PROJECT NO. N. C. R-13 - RESOLUTION PREVENTING SALE OF PARCEL NO. 16, PLAT UNIT NO. 1

Councilman Keleher introduced resolution preventing the sale of Parcel No. 16, Plat Unit No. 1, of the Civic Redevelopment Project No. N. C. R-13 of the City of Asheville, North Carolina, which was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 333.

LEASE - MODIFICATION OF - ASHEVILLE AIRPORT - GIFT SHOP - ALICE S. DUCKETT

Councilman Anderson introduced resolution authorizing and directing Mayor and City Clerk to execute modification of Lease Agreement with Alice S. Duckett, which was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 334.
Copy of lease will be found attached to original resolution.

REDEVELOPMENT COMMISSION - RESOLUTION APPOINTING MEMBER

The City Manager presented a resolution for consideration by the Council appointing Robert E. Harrell as a member of the Redevelopment Commission of the City of Asheville.

Councilman Dailey said he wished to offer the name of Robert L. Harrell as a member of the Redevelopment Commission of the City of Asheville.

The Mayor then announced that the discussion on this matter will be continued at a later date.

INSTITUTE OF GOVERNMENT - SCHOOL FOR MUNICIPAL OFFICIALS

On behalf of the City Council Mrs. Keleher expressed appreciation for the opportunity of attending the school for municipal officials recently conducted by the Institute of Government at Chapel Hill.

PROJECT 3,000 - REPORT

Councilman Anderson gave a brief report on the progress of Project 3,000.

BUDGET - TAXES

Miss Fannie McCoy protested the budget estimate and the proposed increase in the tax rate.

Mr. George Beverly, Jr., President of the Asheville Board of Realtors, and as spokesman for said organization, protested the proposed increase in the tax rate, and asked the Council to investigate new sources of revenue.

FIRE HYDRANTS - REQUEST

Mrs. McKinney of Burton Street presented a petition on behalf of residents in the area requesting the installation of fire hydrants on the corner of Bryant and Downing Streets, one on the corner of Downing Street and Florida Avenue and one in front of 29 Mardell Circle.

The Mayor advised that an investigation would be made of this matter.

PROJECT 3,000 - DISCUSSION

Miss Phyllis Gamble discussed Project 3,000 and alleged discrimination.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery
MAYOR

Margaret Simmons
CITY CLERK

Thursday, July 3, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, July 3, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Mrs. Barbara C. Keleher, Luke Atkinson, Ruben Dailey, Henry E. Colton, Dr. Robert P. Crouch, Webster Anderson, City Manager Phin. Horton, III and Corporation Counsel James Golding.

The minutes of the previous meeting were read and approved.

ASHEVILLE BASEBALL WEEK

The Mayor announced that the week of July 11th through July 17th was designated as Asheville Baseball Week.

ORDINANCE NO. 625 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

The Mayor announced that today is the date set for a public hearing on the proposed rezoning of Lot 107-1/2, Sheet 8, Ward 9, and opened the hearing at 3:13.

There being no objection, Councilman Anderson introduced Ordinance No. 625, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", and the Mayor announced that the hearing was closed at 3:14. Said ordinance was then, upon motion of Councilman Anderson, seconded by Councilman Bailey, unanimously passed on its first reading with the following vote:

Councilman Keleher voted "aye"
Councilman Crouch voted "aye"
Councilman Atkinson voted "aye"
Councilman Dailey voted "aye"
Councilman Colton voted "aye"
Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

DEPUTY CLERK OF POLICE COURT - APPOINTMENT OF MRS. VELMA LLOYD

Councilman Keleher introduced a resolution appointing Mrs. Velma Lloyd as Deputy Clerk of the Asheville City Police Court, which was, upon motion of Councilman Keleher, seconded by Councilman Anderson, unanimously adopted.

Mrs. Lloyd was then sworn in by Mayor Montgomery.

Complete copy of resolution will be found in Resolution Book 5 at page 335.

BOXING AND WRESTLING COMMISSION - APPOINTMENT OF MEMBERS (THOMAS E. SAUNOOKE, ALVAH CROWDER AND BOB TERRELL)

Councilman Anderson introduced a resolution designating Thomas E. Saunooke, Alvah Crowder and Bob Terrell to serve upon the Boxing and Wrestling Commission for the City of Asheville, North Carolina, which was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, and following a discussion passed with Councilman Dailey, Crouch and Colton voting no.

Complete copy of resolution will be found in Resolution Book 5 at page 336.

CIVIL SERVICE BOARD - APPOINTMENT OF MEMBER (Dr. Otis Michael)

Councilman Dailey introduced a resolution designating Dr. Otis Michael to serve as member of the Civil Service Board of the City of Asheville, which was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Dr. Michael was then sworn in by Mayor Montgomery.

Complete copy of resolution will be found in Resolution Book 5 at page 337.

RECREATION BOARD FOR ASHEVILLE - APPOINTMENT OF MEMBERS (David B. Cheadle, Mrs. James Westall and Lonnie Gilliam)

Councilman Keleher introduced resolution appointing David B. Cheadle, Mrs. James Westall and Lonnie Gilliam to serve upon the Recreation Board for Asheville, which was, upon motion of Councilman Keleher, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 338.

REDEVELOPMENT COMMISSION OF THE CITY OF ASHEVILLE - APPOINTMENT OF MEMBER (Jesse Ray)

Councilman Dailey introduced a resolution appointing member of the Redevelopment Commission of the City of Asheville, which was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 339.

ASHEVILLE LIBRARY BOARD - APPOINTMENT OF MEMBERS (Walter R. McGuire, Mrs. Lawrence C. Stoker, Anthony Lord, Mrs. Peter Elting and Mrs. Thomas F. Hall)

Councilman Anderson introduced a resolution appointing five members to the Asheville Library Board, which was, upon motion of Councilman Anderson, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 340.

ADVISORY BOARD FOR ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL - APPOINTMENT OF MEMBERS (Rev. W. A. Eason, Rev. Henry Finch, Mrs. Don Williams, Mrs. Harry P. Clay, William H. Haggard, William M. McMurray, Luther Thigpen, Mrs. Jack Tessier, H. H. Zeugner, George Gragg, Mrs. Julia Capps, and Rev. Henry Flowers)

Councilman Crouch introduced a resolution appointing members of Advisory Board for the Asheville-Buncombe County Youth Council, which was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 341.

BOARD OF TRUSTEES OF FIREMEN'S RELIEF FUND - APPOINTMENT OF MEMBER (Floyd W. Hancock)

Councilman Anderson introduced a resolution appointing member of Board of Trustees of the Firemen's relief Fund, which was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 342.

PLANNING AND ZONING COMMISSION - APPOINTMENT OF MEMBER (Roger Lyda)

Councilman Anderson introduced a resolution electing member of the Planning and Zoning Commission for the City of Asheville, which was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 343.

REDEVELOPMENT COMMISSION - ACCEPT PROPOSAL SUBMITTED BY REGISTER & CUMMINGS, ENGINEERS

Councilman Crouch introduced a resolution authorizing and directing the Urban Redevelopment Com-

mission of the City of Asheville to accept proposal submitted by Register & Cummings, Engineers, dated June 19, 1969, which was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 atpage 344.

EASEMENT TO CAROLINA POWER & LIGHT COMPANY

Councilman Crouch introduced a resolution authorizing Mayor to execute utility easement concerning Vanderbilt Hotel Apartments and City Center Project, which was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 345.

BIDS - NORTH BUNCOMBE COUNTY RESERVOIR - CONTRACT AWARDED ASHEVILLE CONTRACTING COMPANY

The City Manager advised that bids had been received, after due advertisement, for construction of the North Buncombe County Reservoir as follows:

Asheville Contracting Company	$86,491.60
Hobson Construction Company	91,950.00
Brown Construction Company	94,900,00
Chicago Bridge & Iron Company	96,800.00
Evans & Associates, Inc.	97,500.00
Buncombe Construction Company	110,000.00
Pittsburgh, Des Moines	111,250.00

and recommended that the bid be awarded to the lowest bidder, Asheville Contracting Company in the amount of $86,491.60.

Councilman Crouch moved that the City Manager be authorized to so proceed, which motion was seconded by Councilman Anderson and adopted.

FIRE HYDRANTS - BURTON STREET AREA

The City Manager reported that Mr. R. R. Buirgy, Director of the Water Department Engineering, had made a survey of the Burton Street area fire hydrants, and that said survey showed there was a sufficient number of fire hydrants in said area, and it was not recommended that any additional fire hydrants be installed.

HOUSING AUTHORITY OF THE CITY OF ASHEVILLE - APPOINTMENT OF MEMBER (Jack Stewart)

The Mayor announced the appointment of Mr. Jack Stewart as a member of the Housing Authority of the City of Asheville.

TRAFFIC LIGHT REQUESTED - VALLEY AND BEAUMONT STREETS

Mr. McCord presented a petition signed by a number of residents requesting a traffic signal be placed at the intersection of Valley and Beaumont Streets.

This matter was referred to the City Manager for investigation and report.

FAIR HOUSING COMMITTEE OF INTERFAITH COMMITTEE ON HOUSING - REQUEST TO SUPPORT PUBLIC LAW 90-284

Mr. Robert Brunk, Chairman of the Fair Housing Committee of the Interfaith Committee on Housing, requested that the City Council go on record as supporting the spirit and provisions of Public Law 90-284, which makes unlawful discrimination based on race, creed, color, or national origin in the sale and rental of housing as specified by the law.

BUDGET AND TAX INCREASE

Mr. Claude Jarrett spoke concerning the proposed budget and especially the Land Management Department. Also speaking on the proposed budget were Miss Fannie McCoy and Jack Barfield and L. R. McCarthy.

Mr. Roy Rigges of the Keep Asheville Beautiful Committee stated his committee approved the budget of the Sanitation Department as recommended by the City Manager.

Councilman Crouch stated he would like to commend the City Manager for his work on the budget, that it is a realistic budget and Councilman Crouch solicited the help of the citizens in trying to provide the services needed.

CHAMBER OF COMMERCE EXECUTIVE COMMITTEE

Councilman Colton announced that he had been designated a member of the Executive Committee of the Chamber of Commerce with voting power.

There being no further business, the meeting was adjourned.

Wayne Shumaker, M.D.
MAYOR

Margaret Simmons
CITY CLERK

Thursday, July 10, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, July 10, 1969, at 3:00 o'clock P. M. with Vice-Mayor Webster Anderson presiding. Present: Councilmen Robert P. Crouch, Henry E. Colton, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III and Corporation Counsel James Golding.

The minutes of the previous meeting were read and approved.

DDB082

AIR POLLUTION - LETTER FROM LAWRENCE J. TRABER

A letter was received from Lawrence J. Traber regarding air pollution caused by the burning of substandard houses.

This was received as information by the Council.

BUENA VISTA CAB COMPANY - NOTICE OF APPEAL

A notice of appeal by the owners and operators of the Buena Vista Cab Company concerning the revocation of their certificate #4 of public convenience and necessity was received.

The Vice-Mayor announced that a hearing would be held on this matter.

SITE PLAN - 30-UNIT LEASE HOUSING PROJECT, DEVELOPER T. O. YOUNGBLOOD - OFF STERLING STREET

The City Manager advised that a recommendation had been received from the Planning and Zoning Commission regarding the 30-unit Lease Housing Project off Sterling Street, developer T. O. Youngblood, but that this matter had not been referred to the Planning and Zoning Commission by the City Council and recommended that this be done.

Councilman Crouch moved that this plat be referred to the Planning and Zoning Commission with the request that they hold a special meeting to consider this matter, which motion was seconded by Councilman Colton and unanimously adopted.

Mr. T. O. Youngblood appeared before the Council to request that this matter be handled as quickly as possible.

ORDINANCE NO. 625 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance #625, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously passed on its second reading with the following vote:

Councilman Crouch voted "aye" — Councilman Dailey voted "aye"
Councilman Colton voted "aye" — Councilman Atkinson voted "aye"
Vice-Mayor Anderson voted "aye"

PUBLIC LAW 90-284 - RESOLUTION ENCOURAGING COMPLIANCE

A resolution encouraging compliance with the spirit of Public Law 90-284 was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 346.

SUBSTITUTE JUDGE OF POLICE COURT - APPOINTED (LOREN D. PACKER)

Councilman Crouch introduced a resolution appointing Loren D. Packer Substitute Judge of the Police Court.

Councilman Dailey stated he wished to nominate Narvel Crawford as Substitute Judge.

A vote was then taken on the resolution and it was carried with Councilmen Dailey and Colton voting no.

Vice-Mayor Anderson then administered the oath of office to Loren D. Packer.

Complete copy of resolution will be found in Resolution Book #5 at page 347

BIDS - GALVANIZED CORRUGATED METAL CULVERT PIPE AND BANDS - AWARDED TO WHEELING CORRUGATING COMPANY

The City Manager advised that bids had been received, after due advertisement, for galvanized corrugated metal culvert pipe and bands to be used in the Woodfin Street area as follows:

Wheeling Corrugating Company	$5,024.19
Armco Steel Corporation	5,702.45

and recommended that the bid be awarded to the low bidder, Wheeling Corrugating Company in the amount of $5,024.19

Councilman Colton moved that the bid be so awarded, which motion was seconded by Councilman Crouch and unanimously adopted.

ORDINANCE 626 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1969-70

Councilman Crouch introduced Ordinance No. 626, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1969-70."

Councilman Atkinson read a statement concerning the budget, proposing amendments which would reduce the tax rate to $1.45, and moved that the first reading be postponed until next week. Upon being assured that the budget could be amended upon any subsequent reading he withdrew his motion.

Councilman Dailey also discussed the budget.

Mr. R. R. Williams, speaking as a Trustee and for the Trustees of the Colburn Museum, requested that the money heretofore appropriated for the museum in the amount of some $1900.00 be restored to the budget.

Also speaking on the budget were Miss Fannie McCoy, L. R. McCarthy and Miss Mary Jane Moore.

Following the discussion, Ordinance No. 626, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1969-70", was, upon motion of Councilman Crouch, seconded by Councilman Colton, passed on its first reading with the following vote:

Councilman Crouch voted "aye" — Councilman Dailey voted "aye"
Councilman Colton voted "aye" — Councilman Atkinson voted "aye"
Vice-Mayor Anderson voted "aye"

ORDINANCE #627 - AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF BROADWAY FROM WOODFIN STREET TO THE BEGINIING OF MERRIMON AVENUE AND ALONG THE EAST SIDE OF MERIMON AVENUE FROM THE BEGINNING OF MERIMON AVENUE (GOING NORTH) TO OTTARI ROAD AND ALONG THE EAST AND WEST SIDES OF MERRIMON AVENUE FROM OTTARI ROAD TO N. C. 694 (BEAVERDAM ROAD)

Councilman Crouch introduced Ordinance No.627, being "AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF BROADWAY FROM WOODFIN STREET TO THE BEGINNING OF MERRIMON AVENUE AND ALONG THE EAST SIDE OF MERRIMON AVENUE FROM THE BEGINNING OF MERRIMON AVENUE (GOING NORTH) TO OTTARI ROAD AND ALONG THE EAST AND WEST SIDES OF MERRIMON AVENUE FROM OTTARI ROAD TO N. C. 694 (BEAVERDAM ROAD), which was, upon motion of Counrilman Crouch, seconded by Councilman Colton, unanimously adopted on its first reading with the following vote:

Councilman Crouch voted "aye" — Councilman Dailey voted "aye"
Councilman Colton voted "aye" — Councilman Atkinson voted "aye"
Vice-Mayor Anderson voted "aye"

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Crouch moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Dailey and unanimously adopted.

ORDINANCE NO. 627 - AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF BROADWAY FROM WOODFIN STREET TO THE BEGINNING OF MERRIMON AVENUE AND ALONG THE EAST SIDE OF MERRIMON AVENUE FROM THE BEGINNING OF MERRIMON AVENUE (GOING NORTH) TO OTTARI ROAD AND ALONG THE EAST AND WEST SIDES OF MERRIMON AVENUE FROM OTTARI ROAD TO N. C. 694 (BEAVERDAM ROAD)

Ordinance No. 627, being "AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF BROADWAY FROM WOODFIN STREET TO THE BEGINNING OF MERRIMON AVENUE AND ALONG THE EAST SIDE OF MERRIMON AVENUE FROM THE BEGINNING OF MERRIMON AVENUE (GOING NORTH) TO OTTARI ROAD AND ALONG THE EAST AND WEST SIDES OF MERRIMON AVENUE FROM OTTARI ROADTO N. C. 694 (BEAVERDAM ROAD), was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously passed on its second reading with the following vote:

Councilman Crouch voted "aye" — Councilman Dailey voted 'aye"
Councilman Colton voted "aye" — Councilman Atkinson voted aye"
Vice-Mayor Anderson voted aye"

ORDINANCE NO. 627 - AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF BROADWAY FROM WOODFIN STREET TO THE BEGINNING OF MERRIMON AVENUE AND ALONG THE EAST SIDE OF MERRIMON AVENUE FROM THE BEGINNING OF MERRIMON AVENUE (GOING NORTH) TO OTTARI ROAD AND ALONG THE EAST AND WEST SIDES OF MERRIMON AVENUE FROM OTTARI ROAD TO N. C. 694 (BEAVERDAM ROAD)

Ordinance No. 627, being "AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF BROADWAY FROM WOODFIN STREET TO THE BEGINNING OF MERRIMON AVENUE AND ALONG THE EAST SIDE OF MERRIMON AVENUE FROM THE BEGINNING OF MERRIMON AVENUE (GOING NORTH) TO OTTARI ROAD AND ALONG THE EAST AND WEST SIDES OF MERRIMON AVENUE FROM OTTARI ROAD TO N. C. 694 (BEAVERDAM ROAD)", was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously passed on its third and final reading with the following vote:

Councilman Crouch voted "aye" — Councilman Dailey voted "aye"
Councilman Colton voted "aye" — Councilman Atkinson voted "aye"
Vice-Mayor Anderson voted "aye"

ORDINANCE NO. 627

AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF BROADWAY FROM WOODFIN STREET TO THE BEGINNING OF MERRIMON AVENUE AND ALONG THE EAST SIDE OF MERRIMON AVENUE FROM THE BEGINNING OF MERRIMON AVENUE (GOING NORTH) TO OTTARI ROAD AND ALONG THE EAST AND WEST SIDES OF MERRIMON AVENUE FROM OTTARI ROAD TO N. C. 694 (BEAVERDAM ROAD)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. It shall be unlawful to park any motor vehicle on those sections of streets or highways particularly described as follows:

Along the east side of Broadway from Woodfin Street to the beginning of Merrimon Avenue and thence along the east side of U.S. 19,23-25-70 (Merrimon Avenue) from Broadway north to Ottari Road.

Along the east and west sides of U.S. 19-23-25-70 (Merrimon Avenue from Ottari Road to N. C.694 (Beaverdam Road).

Section 2. This ordinance shall become effective fifteen days after date of final passage.

I move the adoption of the foregoing ordinance, this 10 day of July, 1969.

HAA 912

Robert P. Crouch
COUNCILMAN

SECONDED BY: Henry E. Colton
COUNCILMAN

Read, approved and adopted, this 10 day of July, 1969, to become effective 25 day of July, 1969.

Webster Anderson
VICE-MAYOR

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

ORDINANCE 628 - AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF CLINGMAN AVENUE BETWEEN EUGENE STREET AND PATTON AVENUE

Councilman Dailey introduced Ordinance No. 628, being "AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF CLINGMAN AVENUE BETWEEN EUGENE STREET AND PATTON AVENUE", which was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously passed on its first reading with the following vote:

Councilman Crouch voted "aye" — Councilman Dailey voted "aye"
Councilman Colton voted "aye" — Councilman Atkinson voted "aye"
Vice-Mayor Anderson voted "aye"

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Atkinson moved that the charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Dailey and unanimously adopted.

ORDINANCE 628 - AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF CLINGMAN AVENUE BETWEEN EUGENE STREET AND PATTON AVENUE

Ordinance No. 628, being "AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF CLINGMAN AVENUE BETWEEN EUGENE STREET AND PATTON AVENUE", was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimouslyipassed on its second reading with the following vote:

Councilman Crouch voted "aye" — Councilman Dailey voted "aye"
Councilman Colton voted "aye" — Councilman Atkinson voted "aye"
Vice-Mayor Anderson voted "aye"

ORDINANCE NO. 628 - AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF CLINGMAN AVENUE BETWEEN EUGENE STREET AND PATTON AVENUE

Ordinance No. 628, being "AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF CLINGMAN AVENUE BETWEEN EUGENE STREET AND PATTON AVENUE", was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously passed on its third and final reading with the following vote:

Councilman Crouch voted "aye" — Councilman Dailey voted "aye"
Councilman Colton voted "aye" — Councilman Atkinson voted "aye"
Vice-Mayor Anderson voted "aye"

ORDINANCE NO. 628

AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF CLINGMAN AVENUE BETWEEN EUGENE STREET AND PATTON AVENUE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. It shall be unlawful to park a motor vehicle on those sections of streets or highways particularly described as follows:

Along the east side of C ingman Avenue (S.R. 3548) between Eugene Street and Patton Avenue.

Section 2. This ordinance shall become effective fifteen days after date of final passage.

I move the adoption of the foregoing ordinance, this 10 day of July, 1969.

Ruben J. Dailey
COUNCILMAN

SECONDED BY: Luke Atkinson
COUNCILMAN

Read, approved and adopted, this 10 day of July, 1969, to become effective 25 day of July, 1969.

Webster Anderson
VICE-MAYOR

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

FIRE - COMMENDATION

The Vice-Mayor stated the Council wished to commend the Fire Department and other city departments, the Rescue Squads, the Red Cross, and employees of the McDevitt Construction Company for their efforts in fighting the recent fire in downtown Asheville.

There being no furthter business, the meeting was adjourned.

VICE-MAYOR

CITY CLERK

DJB082

Thursday, July 17, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, July 17, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Robert P. Crouch, Henry E. Colton, Ruben Dailey, Luke Atkinson, Webster Anderson, City Manager Phin. Horton, III and Corporation Counsel James Golding.

The Mayor announced that Monday, July 21st, will be a holiday in keeping with the proclamation issued by the President.

The minutes of the previous meeting were read and approved.

PLAT - SPRINGTIME SUBDIVISION, SECTION II - APPROVED UNDER PROVISIONS OF SUBDIVISION ORDINANCE 424

A letter was received from the Planning and Zoning Commission recommending the approval of a plat of Springtime Subdivision, Section II.

Councilman Crouch moved that this plat be approved under the provisions of Subdivision Ordinance 424, which motion was seconded by Councilman Anderson and unanimously adopted.

IRENE WORTHAM DAY CARE CENTER FOR RETARDED CHILDREN - REQUEST FOR ASSISTANCE

A letter was received from the Irene Wortham Day Care Center for Retarded Children requesting that the sum of $3,880 be included in the budget for the summer day camp program.

ASHEVILLE COMMUNITY THEATRE, INC., TANGLEWOOD CHILDREN'S THEATRE, ASHEVILLE SYMPHONY

A letter was received from the Asheville Community Theatre, Inc., Tanglewood Children's Theatre and Asheville Symphony asking for continued support by the city similar to that received in the past.

CENTR AL ASHEVILLE ASSOCIATION

A letter was received from the Central Asheville Association protesting the proposed increase in the tax rate and urging the City Council to look to extension of the city limits and a sales tax as alternatives.

FIREMEN - COMMENDED

Councilman Anderson advised that in cooperation with the Civil Service Board a plan was being worked out for the purpose of honoring city employees for special performance of their duties, and pending formalization of this plan he would like to commend the performance of seven city firemen for their performance in the recent Lerner's fire, said men being Captain B. E. Duyck, Captain W. R. Sharpe, Captain T. M. Carland, Captain J. E. Anderson, B. D. Forester, J. B. Conger, II and B. L. Calloway.

ORDINANCE No. 625 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 625, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously passed on its third and final reading with the following vote:

Councilman Crouch voted "aye" — Councilman Dailey voted "aye"
Councilman Colton voted "aye" — Councilman Atkinson voted "aye"
Councilman Anderson voted "aye" — Mayor Montgomery voted "aye"

ORDINANCE 625

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned from RA-6 Residential District to NEIGHBORHOOD TRADING AREA:

Lot 107-1/2, Sheet 8, Ward 9

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 3 day of July, 1969.

Webster Anderson
COUNCILMAN

SECONDED BY: Ruben J. Dailey
COUNCILMAN

Read, approved and adopted, this 17 day of July, 1969, to become effective 1 day of August, 1969.

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

Wayne S. Montgomery
MAYOR

Margaret Simmons
CITY CLERK

AMENDMENT TO ORDINANCE 626 , "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1969-70

The City Manager read a letter concerning an amendment to ORDINANCE 626, the Budget Ordinance, which would provide for $10,500 to be paid to the Buncombe County Planning Council for an assistant director of Human Relations and $30,000 for a hospitalization plan for city employees.

Councilman Dailey then introduced amendment to Ordinance 626, "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1969-70" as follows:

That Ordinance 626 entitled "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1969-70" be amended as follows:

Section 1. By striking the figures in Section 1, Schedule A. $6,415,939.00 and by inserting in lieu thereof the figures $6,456,439.00.

Section 2. By striking the figures in Section 1, Schedule D, $956,597.00, and by inserting in lieu thereof the figures $997,097.00.

Section 3. By striking the figures in Section 2, Schedule A. $6,415,939.00 and by inserting in lieu thereof the figures $6,456,439.00.

Section 4. By striking the figures in Section 2, Schedule D. $956,597.00, and by inserting in lieu thereof the figures $997,097.00.

which was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously adopted.

ORDINANCE NO. 626 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1969-70

Councilman Atkinson discussed the budget, and gave his reasons for not voting in favor of said budget.

Councilman Anderson gave the old and new tax rates for houses valued at $10,000, $20,000 and $30,000.

Other speakers on the budget were Miss Fannie McCoy, Mr. Burney, Mr. Bert Starnes, Mr. Don Taylor and Mr. Dan Fisher.

Following the discussion, Ordinance #626, as amended, /being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1969-70", was, upon motion of Councilman Crouch, seconded by Councilman Colton, passed on its second reading with the following vote:

Councilman Crouch voted "aye"
Councilman Colton voted "aye"
Councilman Atkinson voted "aye"
Councilman Dailey voted "aye"
Councilman Atkinson voted "no"
Mayor Montgomery voted "aye"

MODEL CITIES PROGRAM - EXECUTIVE DIRECTOR (Logan Delaney)

Councilman Dailey introduced a resolution concurring in selection of Executive Director of the Model Cities Program, which was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 348.

MODEL CITIES PROGRAM - BYLAWS

The City Manager presented a resolution concurring with the Model City Commission Bylaws.

Councilman Anderson stated he had not had an opportunity to review the bylaws and asked that action on this matter be postponed for a week.

ALTERNATE REPRESENTATIVE ON THE BOARD OF DIRECTORS OF THE OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES (Henry Colton)

Councilman Crouch introduced a resolution designating Henry Colton as an alternate representative on the Board of Directors of the Opportunity Corporation of Madison-Buncombe Counties, which was, upon motion of Councilman Crouch, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 349.

CORPORATE LIMITS EXTENSION - PETITION FOR ANNEXATION (Imperial Land Corporation, Thomas Pettigrew)

The City Manager presented a request from the Imperial Land Corporation and Thomas Pettigrew that certain property near Sweeten Creek Road and Robinson Avenue, be annexed into the city, and recommended that this request be referred to the Metropolitan Planning Board for study and recommendation.

The request was referred to the Metropolitan Planning Board for study and recommendation.

MODEL CITIES PLANNING WORK PROGRAM AND BUDGET REVISION

Councilman Crouch introduced a resolution of the City of Asheville authorizing the submission of another revised planning work program and budget to the Department of Housing and Urban Renewal.

The City Manager advised that said program and budget had been approved by the Model City Commission, and explained said budget.

Following a discussion the resolution was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Mrs. Gladys Rustig of the League of Women Voters and Mr. Carl Johnson expressed appreciation for the action of the Council.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

DB0082

Thursday, July 24, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, July 24, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Robert P. Crouch, Henry E. Colton, Ruben Dailey, Webster Anderson, City Manager Phin. Horton, III and Corporation Counsel James Golding.

The minutes of the previous meeting were read and approved.

PLAT - PROPERTY OF T. O. McCURRY REALTY COMPANY - APPROVED UNDER PROVISIONS OF SUBDIVISION ORDINANCE 424

A letter was received from the Planning and Zoning Commission recommending approval of a plat of Property of T. O. McCurry Realty Company.

Councilman Crouch moved that this plat be approved under the provisions of Subdivision Ordinance #424, which motion was seconded by Councilman Colton and unanimously adopted.

CIVIC ARTS CENTER - URGES SUPPORT OF ASHEVILLE ART MUSEUM, BURNHAM S. COLBURN MINERAL MUSEUM, ASHEVILLE COMMUNITY THEATRE, ASHEVILLE SYMPHONY ORCHESTRA AND TANGLEWOOD CHILDREN'S THEATRE

A letter was received from the Civic Arts Council, Inc. urging that the City give financial support to the Asheville Art Museum, Burnham S. Colburn Mineral Museum, Asheville Community Theatre, Asheville Symphony Orchestra and Tanglewood Children's Theatre.

Miss Fran Myers of the Youth Council also read a letter in support of continued aid to these organizations, and Reverend Wesley Grant urged support of the Irene Wortham Day Care Center.

Councilman Colton introduced a resolution giving the position of the Council in respect to said organizations, which was, upon motion of Councilman Colton, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 351.

REDEVELOPMENT COMMISSION - POSITION RE CIVIC ARTS CENTER

A statement from the Redevelopment Commission was read in which said Commission objected to the 12 month hold order on the plot proposed for the Civic Arts Center, urging that the land be sold and the Arts Center be built on the other end of the Civic Redevelopment Project.

The City Manager advised that the City Center Advisory Committee had suggested a combination of the City Center and Civic Arts Center.

The matter was discussed by the Council and Councilman Anderson moved that the Council reaffirm its hold decision not to dispose of the property pending discussions and that two members of the Council be appointed to discuss this matter with the City Manager, Civic Arts Council, City Center Committee , Neal Hanks, and Carey Wilson, City Center Manager, which motion was seconded by Councilman Dailey and unanimously adopted.

The Mayor then appointed Councilmen Crouch and Anderson as members of the Committee to explore this possibility.

ORDINANCE NO. 626 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1969-70

Speaking on the proposed budget were Miss Fannie McCoy, Mrs. Nell Stroupe, and Mr. Lloyd McCord.

Following the discussion, Ordinance No. 626, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1969-70", was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously passed on its third and final reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Dailey voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 626

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1969-70

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the following amounts are hereby appropriated for the operation of the city government and its activities for the fiscal year beginning July 1, 1969 and ending June 30, 1970, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

For the departments as itemized on pages 5 and 6 of the Annual Budget Estimate, hereby referred to and made a part of this ordinance as if fully set out herein

Total General Operating Fund	$ 6,456,439.00

SCHEDULE B. UTILITIES OPERATING FUND

By the items of the summary of utility expenses as set out on page 48 of the Annual Budget Estimate, hereby referred to and made a part of this ordinance as if fully set out herein.

Total Utilities Operating Fund	$ 2,568,569.00

SCHEDULE C. POWELL BILL FUND

The expenses as set out on pages 45 and 46 of the Annual Budget Estimate, hereby referred to and made a part of this ordinance as if fully set out herein.

Total Powell Bill Fund	$ 369,612.00

SCHEDULE D. DEBT SERVICE FUND

For the service of debt expenses as set out on page 43 of the Annual Budget Estimate, hereby referred to and made a part of this ordinance as if fully set out herein

Total Debt Service Fund	$ 2,296,757.00
TOTAL APPROPRIATIONS	$11,650,877.00
Less Inter-Fund Transfers	997,097.00
TOTAL NET APPROPRIATIONS	$10,694,280.00

Section 2. It is estimated that the following revenues will be available during the fiscal year beginning July 1, 1969 and ending June 30, 1970 to meet the foregoing appropriations according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

The sources of revenue itemized on pages 3 and 4 of the Annual Budget Estimate, hereby referred to and made a part of this ordinance as if fully set out herein.

Total General Operating Fund	$ 6,456,439.00

SCHEDULE B. UTILITIES OPERATING FUND

The sources of revenue itemized on page 47 of the Annual Budget Estimate, hereby referred to and made a part of this ordinance as if fully set out herein.

Total Utilities Operating Fund

SCHEDULE C. POWELL BILL FUND

State shared taxes	$369,612.00
Total Powell Bill Fund	$ 369,612.00

SCHEDULE D. DEBT SERVICE FUND

The sources itemized on page 42 of the Annual Budget Estimate, hereby referred to and made a part of this ordinance as if fully set out herein.

Total Debt Service Fund	$ 2,296,757.00
TOTAL ESTIMATED REVENUES	$11,650,877.00
Less Inter-Fund Transfers	997,097.00
NET TOTAL ESTIMATED REVENUES	$10,694,280.00

Section 3. There is hereby levied the following rates of tax on each Hundred Dollar ($100) valuation of taxable property as listed for taxes as of January 1, 1969 for the purpose of raising the revenue from current year's property tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

General Operating Fund (for the general expenses incident to the proper government of the city)	$ 1.12
Debt Service Fund (for the payment of interest and principal on outstanding debt of General Obligation Bonds)	.53
Total rate per $100 of valuation of taxable property	$ 1.65

Such rates of tax are based on an estimated total assessed value of property for purposes of taxation of $301,000,000, assuming 90% (ninety per cent.) collection of the levy.

Section 4. There is hereby levied a poll tax of $1.00 on all male persons between the ages of 21 and 50, unless exempt as provided by law, for the purpose of raising the revenue from Current Year's Poll Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section 5. Copies of this ordinance shall be furnished to the City Manager and Director of Finance and City Accountant, to be kept on file by them for their direction in the disbursement of city funds.

Section 6. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 7. That this ordinance shall be in full force and effect upon date of final passage.

I move the adoption of the foregoing ordinance, this 10 day of July, 1969.

Robert P. Crouch
COUNCILMAN

SECONDED BY: Henry E. Colton
COUNCILMAN

Read, approved and adopted, this 24 day of July, 1969, to become effective 24 day of July, 1969.

Wayne S. Montgomery
MAYOR

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

DDB082

MODEL CITIES - BYLAWS - ACTION POSTPONED

The City Manager advised that he had received a communication from Logan Delaney, Executive Director of the Model Cities Commission, in which it was requested that consideration of the Bylaws of said Commission be postponed until after the meeting of the Model Cities Commission to be held on August 4th.

Councilman Crouch moved that the suggestion of Mr. Delaney be accepted and that considerdation of the Bylaws be postponed until the August 7th meeting of the City Council, which motion was seconded by Councilman Anderson and adopted.

TRAFFIC SIGNAL - VALLEY AND BEAUMONT - NOT SUFFICIENT COUNT

The City Manager reported that the Traffic Engineer had had a traffic count made at the intersection of Valley and Beaumont, and that said count showed that there was not sufficient traffic to justify a traffic signal at this time, but that another count will be made when school starts and traffic patterns are formed. In the meantime the Traffic Engineer recommends and the City Manager concurs that a speed limit of 20 miles an hour be established in this congested district.

APPLICATION FOR LAND ACQUISITION GRANT AND DEVELOPMENTAL GRANT FROM BUREAU OF OUTDOOR RECREATION, U. S. DEPARTMENT OF THE INTERIOR

Councilman Crouch introduced a resolution authorizing the filing of an application of a land acquisition grant and a developmental grant from the Bureau of Outdoor Recreation, U. S. Department of the Interior, which was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 352.

PLAN FOR COORDINATION BETWEEN HUMAN RELATIONS COUNCIL, CHAMBER OF COMMERCE, CITY COUNCIL AND BUNCOMBE COUNTY COMMISSIONERS

Councilman Anderson advised that Mr. Ken Michalove, Executive Director of the Buncombe County Planning Council, had suggested a plan for better cooperation between the Human Relations Council, City Council, Chamber of Commerce and Buncombe County Commissioners, and would like to move that the Mayor notify the other three agencies to make a study of this plan, which motion was seconded by Councilman Dailey and unanimously adopted.

The Mayor announced the appointment of himself and Councilman Keleher as representatives of the City Council to investigate this possibility.

AIRPORT - CITY TO SEEK AID IN SECURING FUNDS FOR IMPROVEMENTS

Councilman Crouch brought up the matter of the Airport Grant, only $142,500.00 of which the City was able to take advantage of in this budget, and suggested that a citizens committee be appointed to

help raise the additional $100,000 with contributions from industry, city county governments and individuals interested in the airport.

Councilman Colton was requested to take this matter up with the Airport Committee of the Chamber of Commerce.

FLOODING - BILTMORE

Councilman Colton discussed the recent flooding in Biltmore, and was advised that it was on state controlled streets, and that the state is aware of the problem and is working on it.

HOUSING - NEED OF

Reverend Wesley Grant spoke of the need for better housing in the community; asked that something be done to alleviate the unnecessary noise caused by a car wash near his church, and asked that better control be exercised over liquor and beer stores.

FIRE HYDRANT - CLUB AND TRADE STREET

Mr. Kim Ellison presented a petition requesting installation of a fire hydrant on Club and Trade Street.

There being no further business, the meeting was upon motion adjourned.

Wayne S. Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

Thursday, July 31, 1969 - 3:00 O'clock P. M.

The City Council met in regular session Thursday, July 31, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Henry E. Colton, Barbara C. Keleher, Ruben Dailey, Webster Anderson, Luke Atkinson, City Manager Phin. Horton, III and Corporation Counsel James Golding.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lots 65 thru 69, Ward 2, Sheet 5, W. F. Algary; Lot 64, Sheet 5, Ward 2, Bruce J. Brown, Agent)

A request was received from W. F. Algary for the rezoning of Lots 65 thru 69, Sheet 5, Ward 2 from Residential to Neighborhood Trading, and a request was received from Bruce J. Brown, agent for the rezoning of Lot 64, Sheet 5, Ward 2 from Residential to Neighborhood Trading.

These requests were referred to the Planning and Zoning Commission for study and recommendation.

ORDINANCE NO. 629 - AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 o'clock A. M. and 9:00 o'clock A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 o'CLOCK P. M. ON ANY DAY THAT THE BUNCOMBE COUNTY SCHOOLS ARE IN SESSION

Ordinance No. 629, being "AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 o'clock A. M. AND 9:00 o'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 o'CLOCK P. M. AND 4:00 O'CLOCK P. M. on any day that the Buncombe county schools are in session", was passed on its first reading with the following vote:

Councilman Keleher voted "aye"
Councilman Atkinson voted "aye"
Councilman Dailey voted "aye"
Councilman Colton voted "aye"
Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 630 - AN ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 O'CLOCK P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION

Ordinance No. 630, being "AN ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 O'CLOCK P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION", was passed on its first reading with the following vote:

Councilman Keleher voted "aye "
Councilman Atkinson voted "aye"
Councilman Dailey voted "aye"
Councilman Colton voted "aye"
Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 631 - AN ORDINANCE ESTABLISHING a 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 o'CLOCK A. M. AND 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 o"CLOCK P. M. AND 4:00 o"CLOCK P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION

Ordinance No. 631, being "AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 O'CLOCK P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION, was passed on its first reading with the following vote:

Councilman Keleher voted "ayue"
Councilman Atkinson voted "aye"
Councilman Dailey voted "aye"
Councilman Colton voted "aye"
Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

DDB082

ORDINANCE NO. 632 - AN ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON VALLEY STREET BETWEEN GRAIL STREET AND SOUTHSIDE AVENUE

Ordinance No. 632, being "AN ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON VALLEY STREET BETWEEN GRAIL STREET AND SOUTHSIDE AVENUE", was passed on its first reading with the following vote:

Councilman Keleher voted "aye"
Councilman Atkinson voted "aye"
Councilman Dailey voted "aye"
Councilman Colton voted "aye"
Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Anderson moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Colton and unanimously adopted.

ORDINANCE NO. 632 - AN ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON VALLEY STREET BETWEEN GRAIL STREET AND SOUTHSIDE AVENUE

Ordinance No. 632, being "AN ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON VALLEY STREET BETWEEN GRAIL STREET AND SOUTHSIDE AVENUE", was passed on its second reading with the following vote:

Councilman Keleher voted "aye"
Councilman Atkinson voted "aye"
Councilman Dailey voted "aye"
Councilman Colton voted "aye"
Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 632 - AN ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON VALLEY STREET BETWEEN GRAIL STREET AND SOUTHSIDE AVENUE

Ordinance No. 632, being "AN ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON VALLEY STREET BETWEEN GRAIL STREET AND SOUTHSIDE AVENUE", was passed on its third and final reading with the following vote:

Councilman Keleher voted "aye"
Councilman Atkinson voted "aye"
Councilman Dailey voted "aye"
Councilman Colton voted "aye"
Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 632

ORDINANCE ESTABLISHINGA 20 MILE PER HOUR SPEED LIMIT ON VALLEY STREET BETWEEN GRAIL STREET AND SOUTHSIDE AVENUE"

WHEREAS, the City of Asheville has determined upon the basis of an engineering and traffic investigation that the present speed limit applicable to Valley Street between Grail Street and Southside Avenue is greater than is reasonable and safe under the conditions found to exist and the business activity in said area; and

WHEREAS, the City of Asheville has the authority to establish a 20 mile per hour speed limit on City streets within any business district;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE AS FOLLOWS:

SECTION 1 That the maximum speed limit for any vehicle upon the following City street shall be 20 miles per hour:

Valley Street between Grail Street and Southside Avenue.

SECTION 2 This ordinance shall not become effective until such time as signs are posted giving notice of the authorized speed limits, or until fifteen (15) days subsequent to the passage of this ordinance, whichever last occurs.

SECTION 3 All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4 Any person, firm or corporation violating the provisions of this ordinance shall upon conviction be guilty of a misdemeanor and shall be punished in accordance with Section 14-4 of the General Statutes of North Carolina.

ATTEST:

Margaret Simmons
CITY CLERK

Wayne S. Montgomery
MAYOR

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

ASHEVILLE MODEL CITY COMMISSION - APPOINTMENT OF MEMBERS (James M. Pressley and W. O. Doud)

Councilman Anderson introduced a resolution appointing members to the Asheville Model City Commission, which was, upon motion of Councilman Anderson, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book # 5 at page 353.

REPORT OF CITY MANAGER ON STATUS OF APPLICATION TO BUREAU OF OUTDOOR RECREATION FOR GRANT

The City Manager reported that the North Carolina Recreation Commission has approved the application for $103,000 for Phase 1 of the Project to improve the Recreation Park by providing for land acquisition, construction of a new swimming pool, picnic shelter and construction of restrooms, and that the application has now been sent to the Bureau of Outdoor Recreation for approval.

SANITATION - CLEANING UP OF TRASH, ETC. - DISCUSSION

Councilman Anderson reported that real progress is being made in the effort to clear trash from residential areas, and that beginning immediately a trash truck will follow garbage crews on their routes.

ADVISORY BOARD OF THE CIVIL DEFENSE BOARD - APPOINTMENT OF MEMBER (Harry W. Clarke)

Councilman Anderson introduced a resolution appointing Harry W. Clarke to the Advisory Board of the Civil Defense Board, which was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 354.

ASHEVILLE AIRPORT - FIXED BASE OPERATION KIMBALL & HILL - CORPORATION COUNSEL INSTRUCTED TO RESCIND LEASE

The City Manager advised that in 1967 Kimball and Hill sought a lease for a fixed base operation at the airport, and that such a lease was entered into, but that Kimball and Hill had never carried out the provisions of the lease; that there is a shortage of hanger and ramp space at the airport and that other firms are interested in this space; and would like to request that the Corporation Counsel be instructed to take whatever legal steps are necessary to clairfy the legality of the lease with Kimball and Hill.

Councilman Dailey moved that the Corporation Counsel be instructed to so proceed, which motion was seconded by Councilman Atkinson and unanimously adopted.

BLAZERS - PURCHASE OF

The Mayor advised that the Council, City Manager and Department heads purchase blazers bearing the Asheville emblem to be worn at group meetings.

FIREMEN - REQUEST FOR ADJUSTMENT IN SALARIES

Lt. J. J. Shroat, president of the Firefighters Union Local 865, appeared before the Council and expressed appreciation for the recent salary increase, but advised that his group complains of the gap between the pay of the firemen and men with the rank of lieutenant and above, and would like to see a further study made of this situation.

The City Manager discussed the matter at length, and stated he did not see the necessity of a further study.

SALARY OF CITY MANAGER - PROTEST OF MISS McCOY

Miss Fannie McCoy appeared before the Council to protest the increase in the salary of the City Manager.

PETITION - BURNED HOUSE ON LINCOLN AVENUE

A petition was presented requesting that the rubble from a burned house on Lincoln Avenue be removed.

PETITION - PAVING OF BAXTER STREET

A petition was presented requesting that Baxter Street be black-topped.

FIRE HYDRANTS - BURTON STREET AREA

Mrs. McKinney again appeared before the Council with the request that additional fire hydrants be installed in the Burton Street area, and the City Manager advised that this matter had been referred to the Director of the Water Engineering Department.

WAGE INCREASE - DISCUSSION

Councilman Dailey brought up the matter of wage increases for elevator operators, and was advised by the City Manager that this matter will be taken up in January, and is included in the present budget.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, MD
MAYOR

CITY CLERK

DDB082

Thursday, August 7, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, August 7, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Robert P. Crouch, Henry E. Colton, Barbara C. Keleher, Webster Anderson, Ruben Dailey, City Manager Phin. Horton, III and Corporation Counsel James Golding

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lots 117, 118, 119, 119½, 123, 123½, 124, 125, and 126, Sheet 26, Ward 7 - B. Fletcher Carter

A request was received from B. Fletcher Carter and Joan Carter for the rezoning of Lots 117, 118, 119, 119½, 123, 123½, 124, 125 and 126, Sheet 26, Ward 7 from RA-6 to Commercial.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lots 64, 65, 66, 67, 68, 69, Sheet 5, Ward 2 - Bruce Brown, W. F. Algary)

Letters were received from the Planning and Zoning Commission recommending the rezoning of Lots 64, 65, 66, 67, 68 and 69, Sheet 5, Ward 2 to Neighborhood Trading Area.

Councilman Crouch moved that the City Clerk be authorized to give notice of a public hearing on said recommendation, at which time an ordinance complying with the recommendation would be presented, which motion was seconded by Councilman Anderson and unanimously adopted.

CORPORATE LIMITS EXTENSION - RECOMMENDATION OF METROPOLITAN PLANNING BOARD (Imperial Land Company and Pettigrew, Bryant and Oast properties)

A letter was received from the Metropolitan Planning Board recommending the annexation of certain property of the Imperial Land Company and Pettigrew, Bryant and Oast, upon certain conditions.

August 7, 1969

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Metropolitan Planning Board held Wednesday, August 6, 1969, the Board considered the annexation request of the Imperial Land Company and Pettigrew, Bryant and Oast properties.

The Board unanimously voted to recommend to City Council that this property, as shown on the attached map, be annexed subject to the following conditions:

1. That the City Council fix the date of the public hearing no earlier than February 15, 1970.
2. That the City Council set the effective date of annexation for June 15, 1970.
3. That the newly annexed area be zoned RA-5 Residential District and Industrial District (see attachment).
4. That a portion of the Imperial Land property presently inside the City be rezoned from Industrial to RA-5.
5. That the City not share in the cost of the extention of water and sewer lines or street construction.

Respectfully,

S/ W. Neal Hanks
W. Neal Hanks
Executive Director

WNH/ar
Attachment

CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL - APPROVAL OF NEW LOCATION FOR BILTMORE STORE

A letter was received from the City of Asheville Board of Alcoholic Control requesting approval of a new location for the Biltmore store, said location being on Lots 58 and 59, Ward 7, Sheet 2, on Swan Street and Boston Way in Biltmore Village.

Following a discussion, Councilman Dailey moved that the new location be approved, which motion was seconded by Councilman Crouch and unanimously adopted.

ORDINANCE NO. 629 - AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 o'CLOCK A. M. AND 9:00 O'CLOCK A. M. AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 O'CLOCK P. M., ON ANY DAY THAT THE BUNCOMBE COUNTY SCHOOLS ARE IN SESSION

Ordinance No. 629, being "AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 O'CLOCK P. M., ON ANY DAY THAT THE BUNCOMBE COUNTY SCHOOLS ARE IN SESSION", was, passed on its second reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Mayor Montgomery voted "aye"

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Anderson moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Keleher and unanimously adopted.

ORDINANCE NO. 629 - AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 O'CLOCK P. M., on any day that the BUNCOMBE COUNTY SCHOOLS ARE IN SESSION

Ordinance No. 629, "AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. and 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 O'CLOCK P. M., ON ANY DAY THAT THE BUNCOMBE COUNTY SCHOOLS ARE IN SESSION", was, passed on its third and final reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Mayor Montgomery voted "aye"

ORDINANCE NO. 629

AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. and 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 O'CLOCK P. M., ON ANY DAY THAT THE BUNCOMBE COUNTY SCHOOLS ARE IN SESSION

WHEREAS, the City of Asheville has determined, upon the basis of an engineering and traffic investigation, that the present speed limits applicable to certain City streets hereinafter designated is greater than is reasonable and safe under the conditions found to exist during school hours; and

WHEREAS, the City of Asheville has the authority to establish a 25 miles per hour speed limit on City Streets which are not a part of the State Highway System during certain hours;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE AS FOLLOWS:

SECTION 1 That the maximum speed limits for any vehicle upon the following City Streets shall be 25 miles per hour between 7:45 o'clock A. M. and 9:00 o'clock A. M. and between the hours of 2:00 o'clock P. M. and 4:00 o'clock P. M. on any day that the Buncombe County Schools are in session.

(Charles C. Bell Elementary School) - Maple Springs Road North of Camp Ground Road to the end of Maple Springs Road.

(Biltmore Elementary School) - Hendersonville Road between the I-40 Exit and a point 100 feet North of Center Street.

(Haw Creek Elementary School) - U. S. 70 between White Pine Drive and apoint 300 feet east of Old Haw Creek Road; and U. S. 74 between White Pine Drive and a point 300 feet Southeast of Haw Creek Lane.

(Oakley Elementary School) - Fairview Road between Springdale Avenue and Valleyview Road; and Oakley School Road between Fairview Road and a point 300 feet South of Onteora Blvd.

SECTION 2. This ordinance shall not become effective until such time as signs are posted giving notice of the authorized speed limits, or until fifteen (15) days subsequent to the passage of this ordinance, whichever last occurs.

SECTION 3 All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4 Any person, firm or corporation violating the provisions of this ordinance shall upon conviction be guilty of a misdemeanor and shall be punished in accordance with Section 14-4 of the General Statutes of North Carolina.

SECTION 5 Should any Section, paragraph or sentence of this ordinance be declared invalid, such will not affect the validity of the remaining portions of this ordinance and they shall remain in full force and effect.

Wayne S. Montgomery
MAYOR

ATTEST:

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

ORDINANCE No. 630 - AN ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. and 4:00 O'CLOCK P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION

Ordinance No. 630, "AN ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 O'CLOCK P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION", was passed on its second reading with the following vote:

DDB082

Councilman Crouch voted "aye" — Councilman Keleher voted "aye"
Councilman Colton voted "aye" — Councilman Dailey voted "aye"
Councilman Anderson voted "aye" — Mayor Montgomery voted "aye"

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Anderson moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Keleher and unanimously adopted.

ORDINANCE NO. 630 - AN ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. and 4:00 O'CLOCK P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION

Ordinance No. 630, being "AN ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 O'CLOCK P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION", was passed on its third and final reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Mayor Montgomery voted "aye"

ORDINANCE NO. 630

AN ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. and 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'clock P. M. and 4:00 O'CLOCK P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION

WHEREAS, the City of Asheville has determined, upon the basis of an engineering and traffic investigation, that the present speed limits applicable to certain City streets hereinafter designated is greater than is reasonable and safe under the conditions found to exist during school hours; and

WHEREAS, the City of Asheville has the authority to establish a 20 mile per hour speed limit on City streets which are not a part of the State Highway System during certain hours;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE AS FOLLOWS:

SECTION 1 That the maximum speed limits for any vehicle upon the following City streets shall be 20 miles per hour between 7:45 o'clock A. M. and 9:00 o'clock A. M. and between the hours of 2:00 o'clock P. M. and 4:00 o'clock P. M. on any day that the Asheville City Schools are in session.

(Hall Fletcher Junior High School) - Ridgelawn Road between Longview Road and Lanning Street; Lanning Street between Wellington Street and Bradley Street; Garden Circle between Ridgelawn Road and Bradley Street; and on Bradley Street between Garden Circle and Lanning Street.

(Jones Elementary School) - Kimberly Avenue between Lorraine Avenue and Country Club Road; and Ottari Road between Merrimon Avenue and Kimberly Avenue.

(Eugene Rankin Elementary School) - Stewart Street between Kentucky Drive and Hanover Street; and Hanover Street between State Street and Cordova Street.

(Vance Elementary School) - Sulphur Springs Road between a point 100 feet west of Clinton Street to a point 200 feet Northeast of Lynndale Avenue.

(Herring Elementary School) - Mountain Street between Pine Street and College Street.

(Livingston Street Elementary School) - Livingston Street between Congress Street and Beech Street; and Gaston Street between Livingston Street and a point 500 feet North of Livingston Street.

SECTION 2 This ordinance shall not become effective until such time as signs are posted giving notice of the authorized speed limits, or until fifteen (15) days subsequent to the passage of this ordinance, whichever last occurs.

SECTION 3 All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4 Any person, firm or corporation violating the provisions of this ordinance shall upon conviction be guilty of a misdemeanor and shall be punished in accordance with Section 14-4 of the General Statutes of North Carolina.

SECTION 5 Should any Section, paragraph or sentence of this Ordinance be declared invalid, such will not affect the validity of the remaining portions of this ordinance and they shall remain in full force and effect.

Wayne S. Montgomery
MAYOR

ATTEST:

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

ORDINANCE NO. 631 - AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 O'CLOCK P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION

Ordinance No. 631, "AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 O'CLOCK P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION", was passed on its second reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Dailey voted "aye"
Councilman Kelener voted "aye" — Mayor Montgomery voted "aye"

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Anderson moved that the Charter requirement that the Ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Dailey and unanimously adopted.

ORDINANCE NO. 631 - AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CCLOK A. M. AND 9:00 o"CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND 4:00 O'clock P. M. O N ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION

Ordinance No. 631, "AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M. AND BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND4:00 O'CLOCK P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION", was passed on its third and final reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Mayor Montgomery voted "aye"

ORDINANCE NO. 631

AN ORDINANCE ESTABLISHINGA 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9 00 O'CLOCK A. M., AND BETWEEN THE HOURS OF 2:00 O'clock P. M. and 4:00 O'clock P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION

WHEREAS, the City of Asheville has determined, upon the basis of an engineering and traffic investigation, that the present speed limits applicable to certain City streets hereinafter designated is greater than is reasonable and safe under the conditions found to exist during school hours; and

WHEREAS, the City of Asheville has the authority to establish a 25 miles per hour speed limit on City Streets which are not a part of the State Highway System during certain hours;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE AS FOLLOWS:

SECTION 1 That the maximum speed limits for any vehicle upon the following City streets shall be 25 miles per hour between 7:45 o'clock A. M. and 9:00 o'clock A. M. and between the hours of 2:00 o'clock P. M. and 4:00 o'clock P. M. on any day that the Asheville City Schools are in session.

(Asheville High School) - McDowell Street between Doctors Drive and St. Dunstans Road

(Aycock Elementary School) - Haywood Road between Brookshire Place and Michigan Avenue; and Hanover Street between Pennsylvania Avenue and the school driveway located on the access ramp to N. C. 191.

(Claxton Elementary School) - Merrimon Avenue between Woodrow Avenue and a point 400 feet North of Annandale Avenue; and Hillside Street between North Liberty and Holland Street.

(David Millard Junior High School) - Oak Street between Woodfin Street and Valley Street; and College Street between Davidson Street and Pine Street.

(Randolph Elementary School) - Montford Avenue between Hill Street and Blake Street.

(Hill Street Elementary School) - Hill Street between Jason Street and Greenley Street.

(Newton Elementary School) - Biltmore Avenue between a point 100 feet South of Forest Hill Drive and a point 200 feet North of Caledonia Road.

(South French Broad Jr. High School) - South French Broad Avenue between Timothy Street and Phifer Street.

SECTION 2 This ordinance shall not become effective until such time as signs are posted giving notice of the authorized speed limits, or until fifteen (15) days subsequent to the passage of this ordinance, whichever last occurs.

SECTION 3 All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4 Any person, firm or corporation violating the provisions of this ordinance shall upon conviction be guilty of a misdemeanor and shall be punished in accordance with Section 14-4 of the General Statutes of North Carolina.

SECTION 5 Should any Section, paragraph or sentence of this ordinance be declared invalid, such will not affect the validity of the remaining portions of this ordinance and they shall remain in full force and effect.

Wayne S. Montgomery
MAYOR

ATTEST:

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

J. M. Golding
CORPORATION COUNSEL

MODEL CITY COMMISSION BYLAWS - APPROVED

Councilman Anderson introduced a resolution concurring with the Model City Commission Bylaws, which was, upon motion of Councilman Anderson, seconded by Councilman Colton, unanimously adopted.

Complete Copy of resolution will be found in Resolution Book #5 at page 355

MODEL CITY PLANNING GRANT - RESOLUTION AUTHORIZING CONTRACT

Councilman Keleher introduced a resolution authorizing the execution of a contract for a planning grant, which was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 356

MODEL CITY COMMISSION - RESOLUTION APPROVING EXECUTION OF LEASE FOR OFFICE SPACE

Councilman Crouch introduced a resolution approving action taken by the Model City Commission of Asheville authorizing the Chairman of said Commission to execute a lease for office space to be utilized by said Commission, which was, following a discussion, and after being seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 357.

PLANNING AND ZONING COMMISSION - APPOINTMENT OF MEMBERS (Anthony Redmond, J. Bertram King, Thomas O. McCurry, R ger Lyda and J. Don Lane)

Councilman Anderson introduced a resolution electing members of the Planning and Zoning Commission for the City of Asheville, which was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 358

LEASE WITH MAIN AUTO PARTS COMPANY, INCORPORATED

Councilman Crouch introduced a resolution authorizing Mayor to execute lease with Main Auto Parts Company, Incorporated, which was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 359.
Copy of lease will be found attached to original resolution.

BOARD OF ELECTRICAL EXAMINERS AND BOARD OF EXAMINERS OF MOTION PICTURE OPERATORS - APPOINTMENT OF MEMBERS (Frank E. Cable, B. Laxter Haynes, Lawrence A. Ray; H. H. Bowen and L. B. Simmons)

Councilman Anderson introduced a resolution appointing members of Board of Electrical Examiners and members of Board of Examiners of Motion Picture Operators, which was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 360.

METROPOLITAN AFFAIRS - DISCUSSION

The City Manager advised that he had been requested by a Councilman to suggest a discussion looking into City County cooperation in metropolitan affairs.

Councilman Anderson discussed a metropolitan water system, stating that there were also other areas to be explored where functional consolidation might be profitable, and suggested a meeting with the County Commissioners with one or two members appointed from the Council.

Following a lengthy discussion, Councilman Crouch moved that the City Manager, Mayor, and one or two members of the Council be appointed to meet with the County Commissioners and see what develops, which motion was seconded by Councilman Keleher and unanimously adopted.

The Mayor advised he would work with Councilman Anderson in arranging a meeting with the County Commissioners regarding a preliminary discussion of this matter.

Miss McCoy spoke against metropolitan government, salary increases and fluoridation.

ROADSIDE DUMP - RUBBISH - COMPLAINT

Edison Hill, representing citizens living on North Bear Creek Road, Old County Home Road, Rash Road and Powers,Drive, appeared before the Council to speak against rubbish being dumped into the area, thanked the Council for seeing that something was done about this matter, and asked that the Council advise him of one

DDB082

person to be contacted in the City Hall to see that action could be obtained should it become necessary in the future.

The City Manager advised that Mr. Johnson and the Health Department had issued an order to abate the nuisance that morning.

Other speakers were Phil Brown and James McCall.

LINCOLN AVENUE - REQUEST

Deborah Lyles thanked the Council for immediate action in clearing a lot and the remains of a burned house on Lincoln Avenue and asked that the lot be blacktopped for a basketball court.

PARK AND RECREATION DEPARTMENT - INVITATION TO CIRCUS

On behalf of the Park and Recreation Department a group of children invited the Council to a circus to be put on by the children of the city at Memorial Stadium on August 12th between 2 and 5 o'clock P. M.

OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES - complaint of Victor Chalk

Mr. Victor Chalk discussed a meeting of the Board of Directors of the Opportunity Corporation of Madison-Buncombe Counties, advising that the audience had not caused a disruption of the meeting, and asking that the Council appoint another representative to said Board.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

Thursday, August 14, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, August 14, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Robert P. Crouch, Henry E. Colton, Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, and City Manager Phin. Horton, III.

The minutes of the previous meeting were read and approved.

CORPORATE LIMITS EXTENSION - IMPERIAL LAND CORPORATION - PUBLIC HEARING AUTHORIZED

A letter was received from the Imperial Land Corporation requesting the immediate annexation of Robinson Ridge Subdivision.

The City Manager explained the annexation law, and advised that a motion would be in order to advertise for a public hearing at petitioner's expense.

Councilman Anderson so moved, which motion was seconded by Councilman Colton and unanimously adopted.

SITE PLAN - T. O. YOUNGBLOOD LEASE HOUSING PROJECT - RECOMMENDATION OF PLANNING AND ZONING COMMISSION - PUBLIC HEARING AUTHORIZED

A letter was received from the Planning and Zoning Commission recommending approval of the T. O. Youngblood Lease Housing Project as a group housing project in accordance with Section 9 of the Zoning Ordinance and Chapters 26-3 and 26-4 of the City Code (Subdivision Ordinance), subject to certain conditions.

August 11, 1969

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The Planning and Zoning Commission at a regular meeting on Wednesday, August 6, 1969, reviewed the T. O. Youngblood Lease Housing Project. The plan was presented as a group housing project in accordance with Section 9 of the Zoning Ordinance and Chapters 26-3 and 26-4 of the City Code (Subdivision Ordinance).

After review and discussion, the Commission unanimously voted to recommend the plan for approval as currently presented, subject to:

1. a 5' strip being provided on Sterling Street (Asheville Zoning Ordinance #322, Section 10, General Regulations - B. 3. c. A strip of land five (5) feet wide adjoining any street line or any lot zoned for residential uses shall be reserved as open space, guarded with wheel bumpers and planted in grass and/or shrubs, and

2. According to the recommendations of Mr. Robert Buirgy, Water Department Engineer, a 6" water main be installed from Pickard Place along Sterling Street and Roebling Circle to Biltmore Avenue and a fire hydrant and a master water meter be installed at the development entrance on Sterling Street, and

3. Adequate access being provided on Sterling Street and Roebling Circle.

Respectfully,

S/ W. Neal Hanks
W. Neal Hanks
Executive Director

WNH/nr

Mr. Herbert Hyde, representing home owners who oppose this plan, presented maps to the Council.

Mr. Herschel Harkins, attorney for Dr. James H. Worley, presented a letter strenuously objecting to the plan.

Following the discussion, Councilman Dailey moved that the City Clerk be authorized to publish notice of a public hearing on this matter at petitioner's expense, which motion was seconded by Councilman Keleher and unanimously adopted.

CIVIL SERVICE BOARD - RECOMMENDATION RE AGE REQUIREMENTS POLICE AND FIRE DEPARTMENTS

A letter was received from the Civil Service Board recommending the following Amendment to Rule #4, Age Requirements, Police and Fire Departments: That the age limit in the Police Department remain the same, but that the Fire Department age limits be changed to read: "The applicant must have reached his 21st birthday and not have reached his 34th birthday."

Councilman Crouch moved that the Council approve this Amendment, which motion was seconded by Councilman Anderson and unanimously adopted.

CIVIL SERVICE BOARD - ENDORSEMENT OF LONGEVITY OF SERVICE AND MERIT AWARDS TO CITY EMPLOYEES

A letter was received from the Civil Service Board recommending that some form of awards be given city employees for outstanding and continuous service to the City of Asheville.

Councilman Anderson moved that the City Manager develop and implement two programs, one for awarding of longevity awards and one for meritorious service awards, which motion was seconded by Councilman Crouch and unanimously adopted.

NORTH FORK DAM - REPAIRS NECESSARY

The City Manager advised the Council that the city must repair a leak in the tunnel walls at the North Fork Dam, which will cost a minimum of $3,280.10 for investigative work and corrective action.

MODEL CITY COMMISSION - APPROVAL OF FIRST UNION NATIONAL BANK AS DEPOSITORY FOR FUNDS

The City Manager presented a resolution of the Model City Commission designating the First Union National Bank of North Carolina as depository of any funds received or to be received by the Model City Commission.

Councilman Dailey moved that this action of the Model City Commission be approved, which motion was seconded by Councilman Anderson and unanimously adopted.

SIGN - REQUEST FOR PERMIT - HIAWASSEE STREET

The City Manager presented a request from Martin Winston, operator of the Cavalier Motor Lodge, for a permit to erect a large, high sign on Hiawassee Street.

Mr. Winston was present and spoke on the request.

Following a discussion, Councilman Keleher moved that action on this matter be tabled until next week, which motion was seconded by Councilman Anderson and adopted, with Councilman Dailey voting no.

ORDINANCE # 633 - AN ORDINANCE FOR THE CONDEMNATION, REPAIR AND DEMOLITION OF UNSAFE BUILDINGS

The City Manager read Ordinance #633, being "AN ORDINANCE FOR THE CONDEMNATION, REPAIR AND DEMOLITION OF UNSAFE BUILDINGS," which ordinance was then introduced by Councilman Keleher, and seconded by Councilman Anderson.

The ordinance was then discussed by members of the Council, and following the discussion Councilman Colton moved that action be deferred on this ordinance until next week, which motion was seconded by Councilman Dailey and unanimously adopted.

PETITION - WATER - CANDLER SECTION

Councilman Atkinson presented a petition signed by a number of residents in the Monte Vista Road and Terrace section of Candler asking for an immediate and satisfactory solution to their water supply and water pressure problems.

Mr. Robert Brown, construction and maintenance superintendent of the Water Department, advised that a two inch line is being laid along Edgewood Road and will be completed next week, which should increase the pressure. Mr. Brown further advised that road construction along I-40 has caused most of the interruptions in water service, but by September 15th completion of state work will permit his crews to lay a six inch water main that will improve service.

TRAFFIC SIGNAL - STREET LIGHT, POLICE CONDUCT

Councilman Atkinson brought up several other matters, including the need for a signal light for a left turn left turn travelling west on Patton Avenue at Haywood Road intersection; the need for a street light at 90 Millbrook Street; a complaint from Mr. Ralph Plemmons of Rt. 3, Candler that the police treated him very rudely in an arrest for going the wrong way on Rumbough Place.

DDB082

FEDERAL ASSISTANCE TO COMMUNITIES CONFERENCE - INVITATION TO COUNCIL TO ATTEND

The City Manager presented a letter from Congressman Roy Taylor inviting Council members to attend a Federal Assistance to Communities Conference on August 27th from 9 to 5 at Grove Park Inn.

MOTORCYCLES, CARS, NOISE

Councilman Keleher inquired if there couldn't be stricter enforcement of laws governing the noise caused by motorcycles and souped-up cars, and the City Manager stated he would take this up with the Police Department.

KEEP ASHEVILLE BEAUTIFUL COMMITTEE - REQUEST

Mr. Roy Riggs of the Keep Asheville Beautiful Committee suggested it was time to set up procedure for enforcing ordinances relating to junk cars and litter prevention.

This request was referred to the City Manager.

SALARIES - MISS McCOY

Miss McCoy spoke on the recent salary increases, expressing the opinion it was unfair and unjust to give the boggest salary raises to the highest-paid city employees.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, MD
MAYOR

Margaret Sumrow
CITY CLERK

Thursday, August 21, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, August 21, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Robert P. Crouch, Henry E. Colton, Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, and Corporation Counsel J. N. Golding.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lots 39 and 40, Sheet 7, Ward 4 - Eugene Smith)

A request was received from Eugene Smith that Lots 39 and 40, Sheet 7, Ward 4 be rezoned from Commercial District to R-6 Residential District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lots 9-1/2, 9-3/4, Sheet 10, Ward 6 - B. C. Morton)

A request was received from B. C. Morton that Lots 9-1/2, 9-3/4, Sheet 10, Ward 6 be rezoned from Neighborhood Trading to Commercial.

This request was referred to the Planning and Zoning Commission for study and recommendation.

CLAIM FOR DAMAGES - LAURA SEARLES

Mr. Floyd D. Brock filed a claim for damages on behalf of Laura Searles for personal injuries in the amount of $3,500.00.

This claim was referred to the Corporation Counsel

ORDINANCE NO. 633 - AN ORDINANCE FOR THE CONDEMNATION, REPAIR AND DEMOLITION OF UNSAFE BUILDINGS

Following a discussion concerning Ordinance No. 633, being "AN ORDINANCE FOR THE CONDEMNATION, REPAIR AND DEMOLITION OF UNSAFE BUILDINGS", and an explanation from J. E. Johnson, Building Inspector, said Ordinance was, upon motion of Councilman Keleher, seconded by Councilman Anderson, passed on its first reading with the following vote:

Councilman Crouch voted "aye"
Councilman Keleher voted "aye"
Councilman Atkinson voted "aye"
Councilman Dailey voted "no"
Councilman Colton voted "aye"
Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

SIGN - HIAWASSEE STREET - PERMIT GRANTED

The City Manager again presented the request from Mr. Martin Winston, operator of the Cavalier Motel, to erect a sign on Hiawassee Street.

Councilman Dailey moved that a permit be issued to Mr. Winston to erect said sign as indicated on the drawing presented, which motion was seconded by Councilman Colton.

Following a discussion it was voted to grant said permit with Councilman Anderson voting no.

DDB082

BUDGET STATEMENT - PERIOD ENDING JULY 31, 1969

The City Manager presented the statement showing the budget position of the city for the period ending July 31, 1969

ASHEVILLE AIRPORT - PARKING FEES

There was a discussion concerning parking at the Asheville Airport, and Councilman Anderson moved that the Corporation Counsel prepare a resolution eliminating the free half hour parking and that a quarter be charged for the first hour, which motion was seconded by Councilman Crouch. Following the discussion a vote was taken on the motion, and it was passed with Councilman Colton voting no.

ASHEVILLE AIRPORT - DONATIONS

Councilman Crouch inquired if there had been any effort on the part of any corporation or municipality to donate any money toward the Asheville Airport, and was advised by the City Manager that he knew of none.

Councilman Dailey suggested that the Chamber of Commerce be asked to spear-head this movement, and Councilman Colton said he would present the sentiments of the Council to the Board of Directors.

WATER BILLS - DISCUSSION

Councilman Atkinson discussed some water bills, and suggested that there should be a more strict reading of meters, and asked that this matter be looked into.

SOLICITOR OF POLICE COURT - REQUEST FOR INCREASE IN SALARY

Councilman Dailey discussed the salary of Peter Roda, Solicitor of the Police Court, and stated he thought Mr. Roda should have an increase, and asked that the City Manager look into this.

OPPORTUNITY CORPORATION OF BUNCOMBE AND MADISON COUNTIES - DISCUSSION

Councilman Dailey discussed the Opportunity Corporation of Buncombe and Madison Counties and its problems since the resignation of the Chairman of the Board of Directors and the fact that there is no Executive Director, suggesting that the Mayor designate someone from the Council to meet with the Chairman of the County Commissioners and that Lonnie Burton be named Executive Director.

The City Manager read a resolution of the City Council consenting that said organization be designated as the community action agency, and suggested that every effort be made to keep this agency going.

Councilman Anderson discussed the matter, and suggested the agency be given time to work out its problems.

At the end of Council member discussion, Mrs. Aileen Johnson, a member of the Model City Commission, said she thought it would help if City Council and the County Commissioners would get together in a closed meeting instead of at a public hearing.

STORM DRAIN STOPPED UP - REPORT OF

Mrs. Roy Rogers reported that a drain was stopped up at the intersection of Silver and Grove Streets, and that this was creating a problem.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, MD
MAYOR

Margaret Sumrow
CITY CLERK

Thursday, August 28, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, August 28, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Henry E. Colton, Barbara C. Keleher, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, and Corporation Counsel J. N. Golding.

The minutes of the previous meeting were read and approved.

JULIAN PROSSER - ADMINISTRATIVE INTERN

The City Manager introduced Mr. Julian Prosser, his administrative intern.

ORDINANCE NO. 633 - AN ORDINANCE FOR THE CONDEMNATION, REPAIR AND DEMOLITION OF UNSAFE BUILDINGS

Ordinance No. 633, being "AN ORDINANCE FOR THE CONDEMNATION, REPAIR AND DEMOLITION OF UNSAFE BUILDINGS", was, upon motion of Councilman Keleher, seconded by Councilman Anderson, passed on its second reading with the following vote:

Councilman Keleher voted "aye"
Councilman Atkinson voted "aye"
Councilman Dailey voted "no"
Councilman Colton voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 634 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

It was announced that today is the date set for a public hearing on the requested rezoning of Lots 64, 65, 66, 67, 68, 69, Ward 2, Sheet 5, and the Mayor opened the public hearing at 3:24.

Mr. Algary and Mr. Ernest Weaver spoke in favor of the rezoning, and Mr. Bruce Brown, the petitioner for Lot 64 was unable to be present because of illness.

At 3:32 the Mayor announced that the public hearing was closed, and Ordinance No. 634, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED", was, upon of Councilman Keleher, seconded by Councilman Colton, unanimously passed on its first reading with the following vote:

Councilman Keleher voted "aye"
Councilman Colton voted "aye"
Councilman Atkinson voted "aye"
Mayor Montgomery voted "aye"
Councilman Dailey voted "aye"

BOARD OF DIRECTORS OF THE OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES - RESOLUTION DESIGNATING BARBARA C. KELEHER AS THE CITY'S REPRESENTATIVE

Councilman Atkinson introduced a resolution designating Barbara C. Keleher as City's representative on the Board of Directors of the Opportunity Corporation of Madison-Buncombe Counties, which was, upon motion of Councilman Atkinson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 361.

NORTH BUNCOMBE COUNTY RESERVOIR - RESOLUTION AUTHORIZING MAYOR TO EXECUTE CONTRACT WITH ASHEVILLE CONTRACTING COMPANY

Councilman Colton introduced a resolution authorizing Mayor of the City of Asheville to execute a contract with the Asheville Contracting Company, which was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 362.
Copy of contract will be found attached to original resolution.

OEO, MODEL CITY PROGRAM , COMPUTERS IN WATER DEPARTMENT

Miss McCoy spoke against the OEO, the Model City Program and the use of computers in the Water Department.

T. O. YOUNGBLOOD LEASE HOUSING PROJECT - DISCUSSION

Councilman Atkinson brought up the matter of the T. O. Youngblood lease housing project, and suggested that the Corporation Counsel look into the matter to see if the right of way is wide enough for the erection of the building.

Dr. Nailling also spoke on the matter and asked that letters from Chief Smith, Mr. Cocke and Mr. Buirgy be read, and the City Manager read said letters.

There being no further business, the meeting was upon motion adjourned.

Wayne S. Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

Thursday, September 4, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, September 4, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Robert P. Crouch, Henry E. Colton, Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, and Corporation Counsel J. N. Golding.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lots 7-1/4, and 9, Sheet 12, Ward 4

A request was presented for the rezoning of Lots 7-1/4, and 9, Sheet 12, Ward 4.

This request was referred to the Planning and Zoning Commission for study and recommendation.

SUBDIVISION ORDINANCE - AMENDMENT REQUESTED BY RIDGLEY K. ROBINSON

A letter was received from Ridgley K. Robinson requesting that Ordinance 424 regulating the subdivision of real estate be amended by removing that section concerning Group Development (Section 26-12).

ORDINANCE NO. 633 - AN ORDINANCE FOR THE CONDEMNATION, REPAIR AND DEMOLITION OF UNSAFE BUILDINGS

The City Manager advised that Ordinance No. 633, being "AN ORDINANCE FOR THE CONDEMNATION, REPAIR AND DEMOLITION OF UNSAFE BUILDINGS" is up for its third and final reading, and Councilman Dailey moved that said ordinance be amended to provide for a Commission of a minimum of three persons as a step to be

DDB082

appealed to from the decision of the Building Inspector, and Councilman Colton stated he would second the motion for the purposes of discussion. Following the discussion a vote was taken on the motion and it was defeated.

Ordinance No. 633 was then, upon motion of Councilman Keleher, seconded by Councilman Andersen, passed on its third and final reading with the following vote:

Councilman Crouch voted "aye"
Councilman Colton voted "aye"
Councilman Anderson voted "aye"
Councilman Dailey voted "no"
Councilman Keleher voted "aye"
Councilman Atkinson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 666

AN ORDINANCE FOR THE CONDEMNATION, REPAIR AND DEMOLITION OF UNSAFE BUILDINGS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. DUTY OF BUILDING INSPECTOR

Any building or structure or part thereof, partially destroyed or otherwise, which is found by the Building Inspector to be in such a dilapidated state of disrepair or other substandard condition as to be dangerous to life, health, or other property, or to constitute a fire or safety hazard or a public nuisance shall be declared by the Building Inspector to be unsafe. Such unsafe condition may be caused by defective construction, overloaded structural parts, decay, susceptibility to fire, exits, or any other hazardous conditions or circumstances. The Building Inspector shall have authority, and it shall be his duty, to declare all such buildings or structures unsafe and to take appropriate action to have such conditions corrected or removed. Such declaration by the Building Inspector shall constitute an order of condemnation for the purposes of this ordinance.

Section 2. DUTY OF OWNER; PROCEDURE.

Whenever any building or structure has been condemned by the Building Inspector, and the existence of such building or structure in a dilapidated state of disrepair or other substandard condition is found and determined by the Building Inspector or, upon appeal from or report by the Building Inspector as hereafter provided, by the City Council to be dangerous to life, health, or other property, or is in such condition as to constitute a fire or safety hazard or a public nuisance, the owner or owners of such building or structure shall be required to demolish and remove the same and remedy such conditions under the regulations and procedures herein provided; and in the event such owner fails or refuses so to do within the time directed by the Building Inspector or by the City Council, as hereinafter provided, the City Council may, in its judgment, cause the same to be demolished and removed or such other steps taken as it may find to be necessary to suppress and abate the nuisance and remove the fire or safety hazard and the danger to life, health, or other property found to exist, and specially assess the cost and expense of doing said work against the lot or parcel of land on which the said building or structure is located.

Section 3. NOTICE AND HEARING

Before any building or structure may be ordered to be demolished and removed as provided in Section 2 herein, the Building Inspector shall notify the owner or owners thereof, in writing, by certified or registered mail to the last known address of such owner, or by personal service of such notice by said Building Inspector or his assistant or by posting notice as hereinafter provided, that said building or structure is in such condition as appears to constitute a fire or safety hazard or dangerous to life, health, or other property, or to be a public nuisance, and that a hearing will be held before said Building Inspector at a designated place at a time not less than ten (10) days after the date of such written notice, at which time and place the owner shall be entitled to be heard in person or by counsel upon all legal or factual questions relating to the matter and shall be entitled to offer such evidence as he may desire which is relevant or material to the questions sought to be determined or the remedies sought to be effected. If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice herein referred to shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten (10) days prior to the date fixed for the hearing and a notice of the hearing is published one time in a qualified newspaper having circulation in the City of Asheville at least one week prior to the date fixed for such hearing. Such notice shall state the address or location of the building or structure and the time, place, and purpose of the hearing.

Section 4. ORDER TO REMEDY OR DEMOLISH

If, upon such hearing, the Building Inspector shall find that the building or structure in question is in such a dilapidated or substandard state of disrepair as to constitute a fire or safety hazard or to be dangerous to life, health or other property, or is a public nuisance, he shall make an order in writing, directed to the owner of said building or structure, requiring the owner to remedy such conditions so found to exist by demolishing and removing said buildings or structure or taking such other steps as may be necessary to abate the nuisance and remove the hazards, within such period, not less than sixty (60) days, as the Building Inspector may prescribe.

Section 5. APPEAL; FINALITY OF ORDER IF NOT APPEALED.

The owner of any building or structure ordered by the Building Inspector to be demolished and removed, or who is directed by the Building Inspector to take any other steps to abate a nuisance or remove hazards found by the Building Inspector to exist, shall have the right of appeal from such orders to the City Council; provided, such owner gives notice of appeal to the Building Inspector at the time of the hearing at which the order is made, or, within ten (10) days after such order is made files with the Building Inspector a written notice of such appeal. Notice of appeal shall state the grounds thereof. Unless an appeal is taken within the time and in the manner herein prescribed, the action of the Building Inspector shall be deemed final, subject only to such action as the City Council may take as herein elsewhere provided. Where an appeal has been properly taken and notice thereof given in accordance with the provisions of this section, it shall be the duty of the Building Inspector to report the same to the City Manager who shall cause the matter to be placed on the agenda for action by the City Council at its next ensuing regular meeting. The City Council shall have the right to continue the hearing of the appeal from time to time as it may deem necessary and consider such appeal either during a regular or special meeting.

Section 6. REPORT WHEN OWNER FAILS TO COMPLY.

In the event the owner does not appeal from the final order or direction of the Building Inspector requiring that the building or structure be demolished and removed or the taking of such other steps as may be required to abate the nuisance and remove the hazards, and fails or refuses to comply with such order and direction, it shall be the duty of the Building Inspector to file a written report thereof with the City Manager, who shall cause such report to be placed on the agenda for action by the City Council at its next ensuing regular meeting or to some subsequent meeting to which the City Council may continue the same. The Building Inspector shall mail a copy of said report by certified or registered mail to the owner at his last known address, or have a copy of said report delivered to said owner. Said report shall specify the date of the meeting of the City Council for which the matter will be scheduled for action.

Section 7. ORDER OF CITY COUNCIL; ASSESSMENT OF COSTS.

In all cases referred to in this ordinance which reach the City Council for action, either upon appeal of the owner from the ruling of the Building Inspector or upon report of the Building Inspector that the owner fails or refuses to comply with his order or direction, the City Council shall hear the matter, and if it finds and determines that the building or structure in question is in such a dilapidated or substandard state of disrepair as to constitute a fire or safety hazard, or to be dangerous to life, health, or other property, or is a public nuisance, and that the owner of said building or structure has failed or refused to abate the nuisance and has filed or refused to have said building or structure demolished and removed or has failed or refused to take such other steps as may be necessary to abate the nuisance and remove the hazards found to exist, it may cause the demolition and removal of such building or structure to be done, or effect such other remedies as may be necessary to ab ate the nuisance and remove the hazards, and specially assess the cost of such work against the lot or parcel of land on which the building or structure was situated; and such assessment shall constitute a specific lien upon said lot or parcel of land, which may be enforced by an action instituted in the name of the City of Asheville in the nature of an action to foreclose a mortgage as provided by N. C. GS 105-414 and in the case of ad valorem taxes and local improvement assessments.

Section8. WHEN NOTICE OF CITY COUNCIL HEARING REQUIRED.

In cases in which the Building Inspector has beenunable to give the owner actual notice of hearing in the manner hereinabove provided, and has given such notice by posting and publishing the same as authorized in Section 3, and the owner has failed or refused to comply with the order or direction of the Building Inspector to demolish and remove the building or structure, or take such other remedial action as will remove the hazards, and such case is referred to the City Council for action, the City Council shall before taking such action, cause to be posted on the outside of the building or structure in question at least ten (10) days prior to the date fixed for the hearing, and published one time in a qualified newspaper having circulation in the City of Asheville at least one week prior to the date fixed for such hearing, a written notice stating the name of the owner or owners as appears of record in the office of the Register of Deeds of Buncombe County, the address or location of the building or structure involved and the time, place and purpose of the hearing, and such other information as the City Council may deem advisable.

Section 9. PRESUMPTION OF DANGER TO PUBLIC.

In all cases in which the City Council, under authority of this ordinance, causes the demolition and removal of any building or structures to be carried out, or directs such other remedial steps to be taken as may be necessary to abate the nuisance and remove the hazards, it shall be conclusively presumed that the public nuisance and the fire and safety hazard and danger to life, health or other property, created and maintained by the continuied presence of said building or structure in such condition as is found to exist, constitute a clear and present danger amounting to a situation of emergency involving the public health, safety and general welfare, which requires entry upon private property for the summary abatement and removal of such danger, in the pubèic interest.

Section 10. WILLFUL FAILURE OR REFUSAL TO COMPLY WITH ORDER.

It shall be unlawful for any person to willfully fail or refuse to comply with any final order or direction of the Building Inspector or City Council made by virtue and in pursuance of this ordinance, and any person violating this ordinance shall, upon conviction, be punished as provided by N. C. G. S. 14-4 for the viilation of municipal ordinances, and every day such person shall willfully fail or refuse to comply with any final order or direction of the Building Inspector or City Council made by virtue add in pursuance of this ordinance shall constitute a separate and distinct offense.

Section 11. CONSTRUCTION OF ARTICLE.

It is the legislative intent of the City Council in enacting this ordinance that each section and subdivision is separate and divisible from any other section, and if any provision hereof shall be held or declared by a court of competent jurisdiction to be invalid for any reason, such decision or holding shall not affect the validity of any other section or provision hereof. This ordinance is in addition to, and not in substitution for, any other ordinance affecting the same subject matter.

I move the adoption of the foregoing ordinance, this 14 day of August, 1969.

Barbara C. Keleher
COUNCILMAN

SECONDED BY: Webster Anderson
COUNCILMAN

Read, approved and adopted, this 4 day of September, 1969, to become effective the 19 day of September, 1969.

Wayne S. Montgomery
MAYOR

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

ORDINANCE NO. 634 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 634, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Keleher, seconded by Councilman Colton, passed on its second reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Councilman Atkinson voted "aye"

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Anderson moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Crouch, unanimously adopted.

DDB082

ORDINANCE NO. 634 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED

Ordinance No. 634, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Keleher, seconded by Councilman Colton, passed on its third and final reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Councilman Atkinson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 634

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(a) That the following described property be rezoned to NEIGHBORHOOD TRADING AREA:

Lots 64,65, 66, 67, 68, 69, Ward 2, Sheet 5

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hsereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 28 day of August, 1969.

Barbara C. Keleher
COUNCILMAN

SECONDED BY: Henry E. Colton
COUNCILMAN

Read, approved and adopted, this 4 day of September, 1969, to become effective 19 day of September, 1969.

Wayne S. Montgomery
MAYOR

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

SITE PLAN - T. O. YOUNGBLOOD LEASE HOUSING PROJECT - PUBLIC HEARING - APPROVED BY CITY COUNCIL

Site plan of the

The City Manager announced that today is the date set for the public hearing on the/T. O. Youngblood Lease Housing Project, and the Mayor declared the public hearing open at 3:23 o'clock.

Mr. Douglas Taylor read the letter from the Planning and Zoning Commission recommending the approval of the site plan under certain conditions.

Mrs. George White on behalf of the League of Women Voters spoke in favor of approval of said site plan, and Mrs. Charles Linsley of the Interfaith Committee on Housing also spoke in favor if the site plan.

Mr. Herbert Hyde, representing Dr. Richard Nailling and others, spoke in opposition to the site plan, alleging said project is in viblation of certain regulations of the Subdivision Ordinance.

Dr. Truluck spoke regarding a fence proposed to be erected in back of the Madden Corporation property.

Dr. Max Carpenter spoke regarding the use of Madden property by the city at the intersection of Roebling and Sterling Street, and also spoke in opposition to the project.

Other speakers in opposition to the project were Dr. John D. Bradley, Dr. Mary Helen McConnell, Mrs. Rodney Cudd, Dr. Sherburne Stanely, Dr. Smart.

The Mayor then asked for a summary by proponents and opponents, and Mr. Bill Moore spoke for the proponents and Mr. Herbert Hyde for the opponents.

Mr. Bert King, Chairman of the Planning and Zoning Commission, spoke regarding the recommendation of the Commission, and stated that the project met all regulations.

The Corporation Counsel advised if the property were a "subdivision" the property owner would be required to provide a 50 foot right of way, but that this is not a subdivision, so the owner of the property has no control over the access.

Councilman Dailey then made the following motion: I move, since it appears that the intent of all regulations which might apply to this petition and the filing and approval of Mr. T. O. Youngblood's lease housing project plat, have been substantially complied with by the petitioner, the Asheville Planning and Zoning Commission, the Director of Public Works, Corporation Counsel, the Planning Director, and this City Council, that any possible variance of the application with such regulations which may be applicable be waived and that the final plat presented to us for this project be approved, which motion was seconded by Councilman Keleher.

Dr. Trutuck then stated that the City has encroached upon property of the Madden Corporation.

The Mayor declared the public hearing closed at 4:45, and there was a discussion of the matter by members of the Council, following which a vote was taken on the motion and it was declared passed with Councilman Dailey, Keleher, Crouch, Colton, and Mayor Montgomery voting yes, and Councilmen Atkinson and Anderson voted no.

FRENCH BROAD LAW ENFORCEMENT PLANNING UNIT - RESOLUTION CREATING

Councilman Anderson introduced a resolution creating the French Broad Law Enforcement Planning Unit, which was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 363.

ASHEVILLE AIRPORT - BIDS FOR STRENGTHENING RUNWAY

The City Manager advised that bids had been received for strengthening the runway at the Asheville Airport as follows:

Dickerson, Inc.	$377,885.00
Mid-State Construction Company	363,248.00
Ray Construction Company	383,271.60
Warren Brothers and Asheville Paving Company - joint venture	344,395.00

Mr. William E. Cox, consulting engineer for the city, read a letter recommending that the bid of Warren Brothers and Asheville Paving Company, joint venture, be accepted.

The City Manager advised that it was not thought feasible to delay this project, and that, since only $142,500 was committed to the project in the budget, he recommended that $58,800 be taken from the contingency fund to make up the city's part of the cost.

Councilman Crouch moved that the low bid be accepted, and that the stated sum be taken from the contingency fund, subject to the acceptance of the Grant Offer by the Federal Aviation Administration and their concurrence in the award, which motion was seconded by Councilman Anderson and unanimously adopted.

ASHEVILLE AIRPORT - CONTRACT AWARDED TO ASHEVILLE PAVING CO. AND WARREN BROS. CO.

Councilman Anderson then introduced resolution awarding contract for strengthening runway 16-34 at the Asheville Airport, which was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 364.

DEED - Margaret H. Ligon

Councilman Dailey introduced a resolution authorizing the Mayor of the City of Asheville to execute a deed conveying a 4.45 foot strip of land along the south edge of Brooklet Street to Margaret H. Ligon, which was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 365.

SITE PLAN - T. O. YOUNGBLOOD LEASE HOUSING PROJECT - AMENDMENT TO MOTION

Councilman Dailey stated because of a typographical error he wished to amend his motion made in regard to the T. O. Youngblood Lease Housing project to change the words "final plat" to "site plan", which motion was seconded by Councilman Keleher and adopted.

A vote was then taken on the motion as amended and it was declared carried with Councilmen Crouch, Colton, Keleher, Dailey and Mayor Montgomery voting aye and Councilman Atkinson and Anderson voting no.

WATER RATE STUDY - MEETING SET

The City Manager reminded the members of the Council of the meeting with the County Commissioners in the Council Chamber at 7 o'clock on September 8th to hear proposals of engineering firms in regard to the water rate analysis study.

DRAINAGE PROBLEM - SOUTH GROVE STREET

Mr. Victor Chalk read a prepared statement concerning the complaint of Mr. and Mrs. Goode Davis of 179 South Grove Street and Mr. and Mrs. Preston Blakeley of 189 South Grove Street that water was flooding said properties from a storm drainage pipe.

Following a discussion, Councilman Dailey moved that the matter be investigated immediately so the Council would be in a position to give an answer next week, which motion was seconded by Councilman Anderson and unanimously adopted.

HOUSING

Mr. Charles Dent spoke about public housing and putting it in better neighborhoods, and

DDB082

requested the Council to give consideration to directing the Planning and Housing Authority to develop a plan for the entire city for sites for new housing developments.

FLUORIDE - MISS McCOY

Miss Fannie McCoy spoke in opposition to the addition of fluoride to the public water supply.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, MD
MAYOR

Margaret Kennedy
CITY CLERK

Thursday, September 11, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, September 11, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Robert P. Crouch, Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, and Corporation Counsel J. N. Golding.

The minutes of the previous meeting were read and approved.

CLAIM FOR DAMAGES - Farrwood Motel

A claim for damages was presented by Floyd D. Brock on behalf of Farrwood Motel in the amount of approximately $1,500.00.

This claim was referred to the Corporation Counsel.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lots 39 and 40, Ward 4, Sheet 7, Eugene Smith)

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lots 39 and 40, Ward 4, Sheet 7 upon the request of Eugene Smith.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lots 41 through 43, Lots 46 through 56, Ward 6, Sheet 8, and the rear of Lots 426, 427 and 428, Sheet 4, Ward 6 - J. V. Shoemaker)

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lots 41 through 43, Lots 46 through 56, Ward 6, Sheet 8, and the rear of Lots 426, 427, 428, Ward 6, Sheet 4 provided a 50' strip be left in RA-6 Residential District as shown on map.

Councilman Crouch moved that the City Clerk be authorized to give notice of a public hearing on said recommendations, at which time an ordinance complying with the recommendations would be presented, which motion was seconded by Councilman Anderson and unanimously adopted.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lots 117, 118, 119, 119½, 123, 123½, 125 and 126, Sheet 26, Ward 7, B. F. Carter

A letter was received from the Planning and Zoning Commission recommending that the rezoning request of Mr. and Mrs. B. F. Carter be denied and the property remain as it is now zoned.

Mr. Carl Loftin appeared before the Council and stated that he had not had an opportunity to be heard before the Planning and Zoning Commission on this request, and asked that it be sent back to the Planning and Zoning Commission.

Councilman Crouch moved that this request be sent back to the Planning and Zoning Commission, which motion was seconded by Councilman Keleher and unanimously adopted.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lots 9-1/2, 9-3/4, Sheet 10, Ward 6, B. C. Morton, Sr.)

A letter was received from the Planning and Zoning Commission recommending that the rezoning request of Mr. B. C. Morton, Sr. be denied and the property remain as it is now zoned.

This was received as information by the Council.

LAKE VIEW PARK COMMISSION - TRAFFIC CONGESTION - REQUEST TRAFFIC SIGNAL

Mr. Charles S. Roth, representing the Lake View Park Commission, spoke concerning the traffic congestion in the Beaver Lake section of the city, and asked for a traffic control signal.

Following a discussion Councilman Anderson moved that the city request the state to make a traffic study at the intersections of Merrimon Avenue with Wembley Road and Merrimon Avenue and Midland Drive to measure the desirability of installing an activated traffic signal at these points, which motion was seconded by Councilman Crouch and unanimously adopted.

GRANT AGREEMENT - UNITED STATES OF AMERICA - STRENGTHENING RUNWAY AT AIRPORT

The following resolution was introduced by Councilman Anderson, seconded by Councilman Dailey, read in full, considered and adopted:

RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF GRANT AGREEMENT FOR PROJECT NO. 9-31-024-7008

BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF ASHEVILLE, NORTH CAROLINA.

BE IT RESOLVED, by the City Council of Asheville, North Carolina:

Section 1. That said City Council hereby authorizes the execution of Grant Agreement between the Federal Aviation Administration on behalf of the United States of America and the City of Asheville, North Carolina.

Section 2. That the Mayor, Wayne S. Montgomery, is hereby authorized and directed to execute said Grant Agreement in quadruplicate on behalf of said City of Asheville, North Carolina, and the City Clerk, Margaret Simmons, is hereby authorized and directed to impress the official seal of the City of Asheville, North Carolina and to attest said execution.

Section 3. That the Grant Agreement referred to hereinabove shall be attached hereto and made a part of this resolution as though it were fully copied herein.

Complete copy of resolution will also be found in Resolution Book #5 at page 366.

DRAINAGE PROBLEM - SOUTH GROVE STREET

A prolonged discussion took place about the drainage problem at the intersection of Silver and South Grove Streets with points being made as to whether or not it was on public or private property.

The City Manager read a memorandum from the Director of Public W rks showing the location of the blockage, and discussed the doctrine of riparian rights, pointing out that the City of Asheville is in no way involved in this problem since it is on private property.

Speakers included Victor Chalk, James Harris, Rufus Bethea, Mrs. Preston Blakely, Willie May Harris, Mr. Mills, Mr. Gaines and Fannie Gardner. At one point one of the speakers was asked to leave the room because he used vulgar language.

Following the discussion Councilman Dailey moved that the city through its Engineering Department unstop this pipe for the good of the welfare of the whole city and this community regardless of whether or not it is on private or public property. There was no second to the motion.

No action was taken by the Council of the request of the complainants.

Mrs. Peggy Logan spoke about a drainage problem at 165 South Grove Street.

WATER BILL - Preston Blakely - discussion

The City Manager presented a memorandum from Mr. Ward of the Water Department regarding the water bill of Mr. Preston Blakely.

Following a discussion Mr. Ward was asked to prepare an analysis of the amount in arrears.

ORDINANCE NO. 635 - AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF LOUISIANA AVENUE BETWEEN PATTON AVENUE AND HAYWOOD ROAD

Ordinance No. 635, being "AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF LOUISIANA AVENUE BETWEEN PATTON AVENUE AND HAYWOOD ROAD", was, upon motion of Councilman Atkinson, seconded by Councilman Dailey, unanimously passed on its first reading with the following vote:

Councilman Crouch voted "aye"	Councilman Dailey voted "aye"
Councilman Keleher voted "aye"	Councilman Anderson voted "aye"
Councilman Atkinson voted "aye"	Mayor Montgomery voted "aye"

TAXICABS - RATE INCREASE REQUESTED

Mr. John Cheesborough, attorney for the taxicab operators of the city, presented a petition requesting an increase in taxicab rates.

Councilman Crouch moved that the Corporation Counsel prepare an ordinance providing for such rate increase, which motion was seconded by Councilman Atkinson and unanimously adopted.

BIDS - LEAF LOADER EQUIPMENT

The City Manager reported that after due advertisement bids had been received for leaf loader equipment as follows:

	Porter Brothers, Inc. Shelby, N. C.	Sanco Corporation Winston-Salem
1 leaf loader designed for mounting on front of truck	$2,027.04	$2,250.00

and recommended that the bid be awarded to the Sanco Corporation for the amount of $2,250.00.

	Porter Brothers, Inc.	Sanco Corporation	E. F. Craven Co.	A. E. Finley & Associates
1 trailer mounted leaf loader	$2,930.35	$2,425.00	$3,592.00	$2,863.40

and recommended that the bid be awarded to A. E. Finley & Associates for the sum of $2,863.40.

Councilman Crouch moved that the bid be so awarded, which motion was seconded by Councilman Anderson and unanimously adopted.

BIDS - PAINT STRIPING MACHINE

The City Manager advised that after due advertisement only one bid had been received for a paint striping machine as follows:

Prismo Universal Corp.

$5,349.82

and recommended that the bid be awarded the Prismo Universal Corp. in the amount of $5.349.82.

Councilman Crouch moved that the bid be so awarded, which motion was seconded by Councilman Keleher and unanimously adopted.

SALES TAX - DISCUSSION

Councilman Atkinson discussed the upcoming election on the proposed 1 per cent sales tax, and requested that the Council pass a resolution to reduce property taxes in the amount to be received from the sales tax if the voters approve said sales tax proposal.

Councilman Crouch suggested that this matter be discussed further by the Council before any action is taken.

AUDITOR - CITY TO EMPLOY

Council Atkinson brought up the matter of an audit of the city recommending the firms of Ernst & Ernst of Winston-Salem, the firm of A. M. Pullen Co. of Greensboro, the firm of Peat, Marrick & Mitchell, Greensboro, and the firm of Calder-Crowley & C . of Marion to be interviewed with the idea of giving each firm an opportunity to consider this audit, and moved that the Council take immediate steps to employ an auditing firm, which motion was seconded by Councilman Dailey.

Councilman Anderson stated the City Manager had a longer list of prospective auditors, and Councilman Atkinson amended his motion to include this longer list. Following the discussion the motion as amended was adopted.

STORM SEWER - 119 FLINT STREET

Mr. D. W. Parham and Mr. Dexter Parham spoke concerning a storm sewer problem at 119 Flint Street, alleging that said storm sewer had been repaired by the city on several occasions.

The City Manager stated that this storm sewer is on private property, and public time and public funds cannot be used to enhance the value of private property.

COMPLAINT - John Helveson

Mr. John Helveson brought up the matter of parking on the corner at the intersection of Bearden and Montford Avenue; a hole in the street at the corner of Starnes and Broadway; and the speeding of cars on Cumberland Avenue between Bearden & Chestnut at night.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery MAYOR

Margaret Simmons CITY CLERK

DDB082

Thursday, September 18, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, September 18, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Robert P. Crouch, Barbara C. Keleher, Webster Anderson, Luke Atkinson, Henry E. Colton, City Manager Phin. Horton, III, and Corporation Counsel J. N. Golding.

The minutes of the previous meeting were read and approved.

PLAT - HOLLY RIDGE SUBDIVISION - APPROVED UNDER PROVISIONS OF SUBDIVISION ORDINANCE #424

A letter was received from the Planning and Zoning Commission recommending approval of a plat of "Holly Ridge" subdivision.

Councilman Crouch moved that this plat be approved under the provisions of subdivision ordinance #424, which motion was seconded by Councilman Anderson and unanimously adopted.

CIVIL SERVICE - PROPOSED AMENDMENT TO RULE #11 - RESIDENCE

A letter was received from the Civil Service Board recommending a proposed amendment to Rule #11 - Residence as follows:

"That Rule #11 - Residence be deleted and the following be substituted - Employees of the City of Asheville shall be permitted to live outside the city.

"Those persons eligible for employment or promotion shall be given a five-point preference on examination for being residents of the City of Asheville.

"All employees residing outside the city limits shall maintain telephone service for communication."

Mr. Potter, Director of the Civil Service Board, spoke concerning the proposed amendment.

The City Manager urged some geographical boundary to insure no time delay in case of emergency, and suggested that department heads be required to live within the city.

Councilman Crouch moved that this matter be placed on the agenda for consideration at next week's meeting, which motion was seconded by Councilman Colton and unanimously adopted.

POLICE DEPARTMENT - PHOTOGRAPHIC EQUIPMENT

A letter was received from Charles S. Sawyer, Assistant Solicitor, calling attention to the serious need for new color photographic equipment in the Police Department.

Councilman Anderson suggested that this letter be referred to Chief J. C. Hall.

ONE PER CENT. SALES TAX - COUNCIL TO REDUCE PROPERTY TAX

Councilman Colton introduced a resolution regarding proposed one per cent. sales tax, which was seconded by Councilman Keleher.

The City Manager read the Charter provisions in regard to the duties of the City Manager, and advised the Council that if they adopted this resolution he would be locked into a budget position in which he would be unable to make any recommendations on the budget.

Councilman Crouch suggested that the word "based" be inserted in the resolution following the word "which" in Section 1, which addition was agreeable to the Council.

Following a discussion by members of the Council a vote was taken on the resolution, and it was unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 367.

AUDITORS - COUNCIL TO SELECT

The City Manager distributed to Council members a list of auditors capable of doing audits in the State of North Carolina, urging that early consideration be given to selection of an auditor.

The matter was discussed by members of the Council, and the Mayor suggested the first Monday in October at 7 o'clock as the time when the auditors would be invited to make their presentations.

ORDINANCE NO. 336 - AN ORDINANCE AMENDING SECTION 27-8 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB FARES

Ordinance #336, being "AN ORDINANCE AMENDING SECTION 27-8 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB FARES", was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously passed on its first reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Atkinson voted "aye"
Councilman Keleher voted "aye" — Mayor Montgomery voted "aye"

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Mr. John C. Cheesborough, attorney for the taxicab operators, requested that the rules be suspended and the ordinance be placed on its second and third readings.

Councilman Keleher then moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Anderson and unanimously adopted.

ORDINANCE NO. 336 - AN ORDINANCE AMENDING SECTION 27-8 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB RATES

Ordinance No. 336, being "AN ORDINANCE AMENDING SECTION 27-8 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB FARES, was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously passed on its second reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Atkinson voted "aye"
Councilman Keleher voted "aye" — Mayor Montgomery voted "aye"

ORDINANCE NO. 336 - AN ORDINANCE AMENDING SECTION 27-8 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB RATES

Ordinance No. 336, being "AN ORDINANCE AMENDING SECTION 27-8 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB FARES, was, upon motion of Councilman Anderson, Seconded by Councilman Atkinson, unanimously passed on its third and final reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Atkinson voted "aye"
Councilman Keleher voted "aye" — Mayor Montgomery voted "aye"

ORDINANCE NO. 336

AN ORDINANCE AMENDING SECTION 27-8 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB FARES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 27-8 Fares Prescribed, sub-section (1), of Chapter 27 of the Asheville code be amended as follows:

That Subsection (1) "For the first one-half mile or fraction thereof ...55¢ be stricken out, and the following inserted in lieu thereof:

(1) For the first one-half mile or fraction thereof ...75¢.

Section 2. This ordinance shall become effective fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 18 day of September, 1969.

Webster Anderson
COUNCILMAN

SECONDED BY: Luke Atkinson
COUNCILMAN

DDB082

Read, approved and adopted, this 18 day of September, 1969, to become effective 3 day of October, 1969.

APPROVED AS TO FORM:

Wayne S. Montgomery
MAYOR

J. N. Golding
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

WATER BILL - PRESTON BLAKELY

Copies of the water bill of Preston Blakely giving an analysis of the amount in arrears were presented to the Council.

Victor Chalk and Mrs. Blakely spoke regarding this matter.

Following the discussion the Mayor suggested that Mrs. Blakely present receipted bills to Mr. Ward of the Water Department.

ORDINANCE no. 635 - AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF LOUISIANA AVENUE BETWEEN PATTON AVENUE AND HAYWOOD ROAD

Ordinance No. 635, being "AN ORDINANCE PROHIBITING PARKING ON THE EAST SIDE OF LOUISIANA AVENUE BETWEEN PATTON AVENUE AND HAYWOOD ROAD", came up for its second reading.

Councilman Colton discussed the matter and suggested that action be postponed until traffic patterns are established in the area, and Mr. Paul Dutcher, Traffic Engineer, spoke concerning the traffic patterns. Several residents of the street spoke in opposition to the passage of the ordinance.

Following the discussion, Councilman Colton moved that the ordinance be tabled, which motion was seconded by Councilman Keleher and unanimously adopted.

BIDS FOR FUEL OIL - AWARDED BP OIL CORPORATION

The City Manager advised that after due advertisement bids had been received for furnishing 60,000 gallons of #2 fuel oil as follows:

BP Oil Corporation — 11.35¢ per gal
Humbel Oil and Refining Co. — 18.97¢ per gal

and recommended that the bid be awarded to the low bidder BP Oil Corporation for the sum of 11.35¢ per gallon.

Councilman Anderson moved that the bid be so awarded, which motion was seconded by Councilman Colton and unanimously adopted.

BIDS TO INSTALL HEATING SYSTEM IN CITY GARAGE

The City Manager advised that after due advertisement bids had been received for installing a heating system in the City Garage as follows:

Oil fired furnace	Stroup Sheet Metal Works $8,590.00	
Gas fired furnace	Stroup Sheet Metal Works $4,416.00	Public Service Co. of N. C., Inc. $3,321.30

and recommended that the bid be awarded to the low bidder Public Service Co. of N. C., Inc. in the amount of $3,321.30.

Councilman Anderson moved that the bid be so awarded, which motion was seconded by Councilman Keleher and unanimously adopted.

STATE HIGHWAY COMMISSION - CONTRACT WITH FOR MAINTENANCE OF TRAFFIC CONTROL DEVICES ON STATE HIGHWAY SYSTEM STREETS WITHIN CITY

Councilman Anderson introduced a resolution authorizing Mayor to execute contract with the State Highway Commission for the maintenance of traffic control devices on the State Highway System Streets within the City of Asheville, which was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

WHEREAS, the State Highway Commission, pursuant to the provisions of G. S. 136-41.3 and G. S. 136-18, proposes to contract with the City of Asheville for the maintenance of Traffic Control Devices on the State Highway System streets within this Municipality and for which this Municipality shall be reimbursed by the State Highway Commission; and

WHEREAS, in order to carry out the aforesaid policy and the responsibilities of Commission under the General Statutes, and to promote the public interest and general welfare of the Municipality, it is necessary for the Municipality to enter into a contract for the maintenance of Traffic Control Devices on the State Highway System streets within the Municipality;

NOW, THEREFORE, BE IT RESOLVED that the Municipality is hereby formally authorized to enter into a contract with the State Highway Commission for the maintenance of Traffic Control Devices on the State Highway System streets within the Municipality, and that the Mayor and Clerk (or Manager) of the Municipality be and it is hereby empowered to sign and execute the required Agreement between the Municipality and the State Highway Commission.

Complete copy of resolution will also be found in Resolution Book #5 at page 368.

METROPOLITAN GOVERNMENT -
NEAL HANKS - MISS McCOY

Miss McCoy spoke on metropolitan government, inquiring how much money had been spent, and also spoke on the resignation of Mr. Neal Hanks as Director of the Housing Authority.

DRAINAGE PROBLEM - 165
SOUTH GROVE STREET

Mrs. Peggy Logan brought up the drainage problem at 165 South Grove Street, and asked what the city was going to do about this matter.

The City Manager advised that this problem arises on private property, but that he would remove the pipe if requested.

The matter was discussed by the Council, and put on the agenda for next week's meeting.

DRAINAGE PROBLEM -
SILVER AND SOUTH GROVE STREETS

Mrs. Goode Davis of 179 South Grove Street spoke about the drainage problem at the intersection of Silver and South Grove Streets, and was advised the city cannot go on private property to open up the drain.

Victor Chalk also spoke on this matter.

WATER BILL COMPLAINTS

Complaints were received from a number of citizens regarding their water bills, including Eugene Swindler, Willie May Hartis, Jack Mills, and Mrs. Nell Stroupe.

GOVERNMENT - JAYCEES

Mr. Robert Myers on behalf of the Jaycees advised the Council that the Jaycees are interested in the city government.

There being no further business the meeting was adjourned.

Wayne S. Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

Thursday, September 25, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, September 25, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, Henry E. Colton, City Manager Phin. Horton, III, and Corporation Counsel J. N. Golding.

The minutes of the previous meeting were read and approved.

ANNUAL AUDIT - PERIOD
ENDING JUNE 30, 1969

A letter was read from James E. Ashe, Certified Public Accountant, enclosing the Annual Audit for the city for the period ending June 30, 1969.

ZONING ORDINANCE - AMENDMENT
REQUESTED (Lots 16½, 17, 18,
Sheet 3, Ward 2 - Murray B.
Chidester)

A request was received from Murray B. Chidester for the rezoning of Lots 16½, 17 and 18, Sheet 3, Ward 2.

This request was referred to the Planning and Zoning Commission for study and recommendation.

DEPARTMENT OF TRANSPORTATION,
UNITED STATES OF AMERICA -
RESOLUTION AUTHORIZING FILING
OF GRANT

A resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended, was, upon motion of Councilman Anderson, seconded by Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 369.

CIVIL SERVICE BOARD - RESIDENCE
REQUIREMENTS - ORDINANCE TO BE
DRAWN

There was a discussion concerning the recommendation of the Civil Service Board re Amendment to Rule 11, Residence, and following the discussion Councilman Anderson moved that the Corporation Counsel be instructed to prepare the necessary ordinance to implement the recommendation of the Civil Service Board modified in this way: That residence be limited to Buncombe County except for Department Heads who would be required to live within the corporate limits of the city, and that the definition of department heads be spelled out, which motion was seconded by Councilman Dailey and unanimously adopted.

DRAINAGE PROBLEM - SOUTH GROVE
STREET

The matter of the drainage problem at 165 South Grove Street came up, and there wasa lengthy discussion of the drainage problems in the whole area. Following the discussion Councilman Dailey moved that the city unstop the drain on South Grove Street for the sake of health and welfare of the inhabitants, and repair the storm sewer on the Parham property on Flint Street, which motion was seconded by Councilman Anderson.

The Corporation Counsel cited a North Carolina Supreme Court decision in which it was held that such matters are not the city's responsibility, but that it was the property owners responsibility, and suggested that the Blakely Estate should be responsible for any damages.

Miss McCoy spoke about urban renewal in the area.

A vote was then taken on the motion with Councilmen Atkinson, Dailey and Anderson voting aye, and Councilmen Colton, Keleher and Mayor Montgomery voting no. The motion was defeated.

Councilman Keleher then asked if there weren't some way to flush out the Blakely drain, and the City Manager said he would instruct the Director of Public Works to try to flush out the line with a high-pressure fire hose.

LOUISIANA AVENUE - TRAFFIC
PROBLEM

The Corporation Counsel informed the Council that it would be necessary to pass an ordinance to restrict Louisiana Avenue to passenger vehicles.

Councilman Colton suggested that no action be taken in this matter for a period of two months when traffic patterns should be established.

WATER BILLS - CHARLES E. YOUNG
AND ETHEL LEE HARRISON

Analyses of the water bills of Charles E. Young and Ethel Lee Harrison were presented to the Council.

Councilman Anderson proposed that the Council designate one or two of its members to hold a little court on Monday afternoons with Mr. Ward of the Water Department and act as a fact-finding group on water billing problems, and volunteered for this service.

The City Manager stated it is the city's hope that a policy of cuttong off water service will force absentee landlords into making necessary repairs, and advised he would come to the Council soon with policy recommendations on water-billing practices.

AVIATION COMMISSION -
REQUEST TO BE CREATED

Mr. Michael Scofield, attorney for the Western North Carolina Pilots Association, presented a proposal that the Council create an Aviation Commission, and he and Mr. Bill Norwood spoke on this matter.

Following a discussion by the Council, Councilman Anderson moved that this matter be tabled with Mr. Scofield to be informed of the date when the matter would be discussed, which would be within the near future, which motion was seconded by Councilman Colton and unanimously adopted.

BIDS - ROCK SALT

The City Manager advised that after due advertisement bids had been received for 150 tons of rock salt as follows:

Diamond Crystal Salt Co.	Morton Salt Co.	International Salt Co.	Cargill Incorporated
$2,700.00	$2,781.00	$2,169.00	$2,151.00

and recommended that the bid be awarded to the International Salt Co. for $2,169.00 for salt delivered by truck to Street Department warehouse.

Councilman Dailey moved that the bid be so awarded, which motion was seconded by Councilman Anderson and unanimously adopted.

HOSPITALIZATION - COUNCIL
MEMBERS APPOINTED TO SERVE
ON COMMITTEE

The City Manager asked the Mayor to appoint two members of the Council to serve on a Committee with members of the staff on a hospitalization plan.

The Mayor appointed Councilmen Colton and Atkinson to serve on this committee, but Councilman Colton asked to be excused, and the Mayor then appointed Councilman Dailey to serve with Mr. Atkinson.

TOT LOTS - TO BE NAMED IN
MEMORY OF MRS. FLORENCE STRADLEY

Mrs. Phyllis Franz requested the Council to name the Tot Lot Program in memory of Mrs. Florence Stradley, and the Corporation Counsel was requested to prepare the proper resolution.

LEASE AMENDMENT WITH PHILLIPS
PETROLEUM COMPANY

A resolution correcting lease agreement with Phillips Petroleum Company was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 370.
Copy of lease will be found attached to original resolution.

DRAINAGE PROBLEM - SOUTH
GROVE STREET

Mr. Sherman Lennon and Miss Peggy Lennon again brought up the matter of the drainage problem at 165 South Grove Street, and were advised by the Mayor that no action will be taken by the city.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

HAA 912

Thursday, October 2, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, October 2, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Robert P. Crouch, Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, Henry E. Colton, City Manager Phin. Horton, III, and Corporation Counsel J. N. Golding.

The minutes of the previous meeting were read and approved.

CURFEW - Lifted

Mayor Montgomery advised that the curfew has been lifted, but that a state of emergency still exists and all other restrictions are still in force.

ORDINANCE NO. 637 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

The City Manager announced that today is the date set for the public hearing on the requested rezoning of Lots 39 and 40, Ward 4, Sheet 7, and Lots 41 through 43, Lots 46 through 56, Ward 6, Sheet 8, and the rear of Lots 426, 427, and 428, Ward 6, Sheet 4, and the Mayor declared the public hearing opened at 3:12. There being no opposition the public hearing was closed at 3:13.

Councilman Dailey then introduced Ordinance No.637, being "AN ORDINANCE AMENDING ORDINANCE No. 322, known as 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously passed on its first reading with the following vote:

Councilman Crouch voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Councilman Colton voted "aye"
Councilman Atkinson voted "aye" — Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

BIDS - FOUR WHEEL STREET SWEEPER

The City Manager advised that after due advertisement bids had been received for a four wheel street sweeper:

	Sanco Corporation	E. F. Craven Co.
With automatic transmission	$14,599.00 plus sales tax	$14,325.00 sales tax included
With standard transmission	$13,914.00 plus sales tax	$14,045.00 sales tax included

and recommended that the bid be awarded to the low bidder, E. F. Craven Co. for $14,045.00.

Councilman Crouch moved that this low bid be accepted, which motion was seconded by Councilman Keleher and unanimously adopted.

APPRECIATION FOR EFFORTS OF CITY PERSONNEL IN MAINTAINING PEACE IN THE CITY

Councilman Colton introduced a resolution expressing gratitude and commendation to Mayor Montgomery, all City personnel and in particular the members of the Police Department for their efforts to maintain peace in the city, which was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 371.

APPRECIATION FOR EFFORTS OF LAW ENFORCEMENT AGENCIES IN MAINTAINING PEACE IN THE CITY

Councilman Keleher introduced a resolution expressing gratitude to the Buncombe County Sheriff's Department, the North Carolina State Highway Patrol, the State Bureau of Investigation, the Federal Bureau of Investigation, the Alcohol, Tobacco & Firearms Division of the Internal Revenue Department, the U. S. District Attorney's office, the U. S. Marshall's office and all other governmental agencies that cooperated with the Asheville Police Department in maintaining peace, which was, upon motion of Councilman Keleher, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 372.

STATEMENT OF COUNCILMAN CROUCH RE RACIAL PROBLEMS IN ASHEVILLE

Councilman Crouch read a prepared statement expressing his thinking about racial problems in Asheville as follows:

"I think the time has come in Asheville when some of us who regret so very much the activities and events that have happened during this past week make a statement stating our opinion on vital issues that affect the entire city. I have felt that we in Asheville have had reasonably good relationships between blacks and whites and we have made more progress than most cities with racial problems. This statement is an attempt to express my thinking about our racial problems in Asheville. I was raised in a middle class white home, a preacher's home. I was taught from the time I was a small child that there was no difference in people in God's eyes. People are people regardless of their race, color or religion. I have accepted this belief and have made an honest attempt to live by it and abide by it throughout my life time. I was taught that racism was wrong and I should do my part in trying to prevent an increase in racism, and to try to correct the inequalities between races that have existed in the past. This belief has placed me in a group of white moderates who believe that injustices between races have been present in the past and that I should make an attempt to correct these injustices. For this reason, I have worked against white racism. I have also believed that because of some of the injustices of the past, I should always remember that many of our black

neighbors have not had equal opportunities with whites and that I should always remember this and attempt to go the second and third mile in trying to help create equal opportunities for blacks. In the past several weeks, I have witnessed intimidations and open threats at our City Council meetings, meetings of the OEO and School Board and all the nation this week has observed the closing of school at Asheville High because of black student protests and resistance to law enforcement officers. I have reached a conclusion about our problem in Asheville.

"I do not feel that our immediate problem in Asheville is that of white racism. Rather it is a problem of black racism. I feel that the leaders of the student protest, some of the adult leaders of the black community who are militant, really represent only a small minority of the black people, that because of intimidations these leaders have caused most of the black community to be lead into protest movements. These protests have widened the gap between blacks and whites or our community. I have talked with many black citizens in the past several days for my own peace of mind. My gener al impression has been from most of them that they do not agree with this militant approach. They do honestly feel that attempts are being made to improve the position and status of the black citizen in Asheville. Most of these people have felt that they had to go along with these militant leaders or be subject to ridicule or even personal injury from the militant black leaders. Just as I think it is time for white people to stand up and express their beliefs, I also think it is now time for the black citizens of our community to stand up and be counted. If the black citizens of our community honestly feel the comments they have expressed to me, then I state without hesitation that I believe they are in the best position to handle the black militant leaders who are causing so much difficulty in our city. They would be doing their race and our city a great favor in stopping black militant leaders before they widen the gap that is now created between black moderates and white moderates.

"I am reminded of some of the old cowboy movies in which a community waited for a John Wayne or a Gregory Peak as a leader to rid the small town of an outlaw or gunfighter. The problem always required that the people themselves had to finally accept the fact that they alone by banding together could solve their problems. Our black community could solve Asheville's problem of black racism if they were willing to accept their responsibility. It would not be an easy task.

I would also today call upon the white leaders of our community to continue to try to help our black citizens in all ways that we can. I am willing and will continue to try to live up to my commitment as a Christian in all of my dealings with both black and white citizens. I state without hesitation that I think this must be done in accordance with the laws of our land and I will continue to back our police department and any other law enforcement agency in all attempts to preserve law and order in this city and state. I would further call on the black leaders of the community to remain Christian in their attitudes, to act towards their white brothers as they have expected us to act towards them in these past several years. I issue this call to the black clergymen of this city. I issue this call to the black citizens who are serving in white collar jobs, business and professions and housewives. I issue this call to the students in Asheville High School who are not only willing to learn but who want to go to school and who want to live peaceably with the white citizens in this community. I would further employ both groups to use reason and reasonableness as the criteria for judging requests from either white or black students. I am tired of intimidations. I am tired of racious groups. I am tired of everyone making demands on everyone else. I am tired of minority groups trying to force the entire rest of the population to go along with them. I feel that all groups of citizens, black and white, need to live together in accordance with established laws for the good of all the people in Asheville now and in the future."

Councilman Dailey expressed his thoughts on the matter as a concerned citizen, stating that the black citizens and leaders are concerned and will accept responsibility for coping with racial problems.

Mr. Lloyd McCord also spoke, and was advised by the Mayor that the Buncombe County Community Relations Council will be given all information coming to City Council from all sides of similar disputes.

Other speakers heard were Joe Brady and Bill Fast.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, MD
MAYOR

Margaret Lewis
CITY CLERK

Thursday, October 9, 1969 - 3:00 o'clock P. M.

A regular meeting of the Council of the City of Asheville, North Carolina was held at the City Hall, the regular place of meeting, at 3:00 o'clock P. M., on October 9, 1969.

Present: Mayor Wayne S. Montgomery presiding, and Councilmen Colton, Keleher, Anderson, Dailey, Atkinson, City Manager Phin. Horton, III, and Corporation Counsel J. N. Golding.

Absent: Councilman Crouch

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lots 117, 118, 119, 119½, 123,123½, 124, 125 and 126, Sheet 26, Ward 7 - B. F. Carter)

A letter was received from the Planning and Zoning Commission again recommending no change in the zoning of Lots 117, 118, 119, 119½, 123, 123½, 124, 125,and 126, Sheet 26, Ward 7 on the request of B. F. Carter.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lots 7-1/4, 8 and 9, Ward 4, Sheet 12 - James C. Elliott, Jr. and others

A letter was received from the Planning and Zoning Commission recommending that Lots 7-1/4, 8 and 9, Ward 4, Sheet 12 be rezoned from RA-6 Residential District to Institutional District on the request of James C. Elliott and others.

Councilman Anderson moved that the Clerk be authorized to give notice of a public hearing on said recommendation, at which time an ordinance complying with said recommendation would be presented, which motion was seconded by Councilman Colton and adopted.

SITE PLAN - MOUNTAINSIDE APARTMENTS - RECOMMENDATION OF PLANNING AND ZONING COMMISSION

A letter was received from the Planning and Zoning Commission recommending approval of a site

DDB082

Plan of Mountainside Apartments, and further recommending that Ardmion Park Road be widened and paved from the intersection of Carrol Avenue around and through the complex to 27 feet, which recommendation regarding pavement and widening of Ardmion Park Road is not intended to be a condition of approval.

Councilman Keleher moved that the City Clerk be authorized to publish notice of a public hearing on said site plan at petitioner's expense, which motion was seconded by Councilman Anderson and unanimously adopted.

ORDINANCE NO. 637 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No.637, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED" came up for its second reading.

Mr. James Cordell, representing residents of Oregon and Florida Avenues presented a petition in opposition to said rezoning and also spoke.

Mr. J. V. Shoemaker and Mr. Bruce Ledford spoke in favor of rezoning said property and Mr. Shoemaker stated that the 50 foot buffer zone would remain as it now is.

Councilman Anderson moved that the ordinance be amended to provide for a 100 foot buffer zone to remain zoned RA-6 instead of a 50 foot buffer zone, which motion was seconded by Councilman Atkinson.

A vote was taken on the motion with Councilmen Atkinson and Anderson voting yes, and Councilmen Dailey, Keleher, Colton, and Mayor Montgomery voting no, and the motion was defeated.

Ordinance No. 637 was then, upon motion of Councilman Dailey, seconded by Councilman Anderson passed on its second reading with the following vote:

Councilman Keleher "aye"	Councilman Anderson "no"
Councilman Atkinson "no"	Councilman Colton "aye"
Councilman Dailey "aye"	Mayor Montgomery "aye"

ORDINANCE NO. 638 - AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 1969-70

Ordinance No. 638, being "AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 1969-70", was, upon motion of Councilman Dailey, seconded by Councilman Anderson, passed on its first reading with the following vote:

Councilman Keleher "aye"	Councilman Anderson "aye"
Councilman Atkinson "aye"	Councilman Colton "aye"
Councilman Dailey"aye"	Mayor Montgomery "aye"

QUIT-CLAIM DEED - REDEVELOPMENT COMMISSION OF THE CITY OF ASHEVILLE

A resolution authorizing the Mayor and City Clerk of the City of Asheville, North Carolina to execute a quitclaim deed to Redevelopment Commission of the City of Asheville, a public body and body corporate and politic of the State of North Carolina, was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 373.

QUITCLAIM DEED - REDEVELOPMENT COMMISSION OF THE CITY OF ASHEVILLE

Councilman Anderson introduced a resolution authorizing the Mayor and City Clerk of the City of Asheville, North Carolina to execute a quitclaim deed to the Redevelopment Commission of the City of Asheville, a public body and body corporate and politic of the State of North Carolina, which was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 374.

QUITCLAIM DEED - W. H. WHITSON AND WIFE, MARY L. WHITSON

Councilman Atkinson introduced a resolution authorizing the Mayor and City Clerk of the City of Asheville, North Carolina to execute a quitclaim deed to W. H. Whitson and wife, Mary L. Whitson, which was, upon motion of Councilman Atkinson, seconded by Councilman Anderson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 375.

FLORENCE B. STRADLEY TOT LOT PROGRAM

Councilman Keleher introduced a resolution creating the Florence B. Stradley Tot Lot Program, which was, upon motion of Councilman Keleher, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 376.

RESOLUTION CREATING THE FLORENCE B. STRADLEY TOT LOT PROGRAM

WHEREAS, Florence Birch Stradley, one of our most cherished citizens died on the 20th day of September, 1969; and

WHEREAS, Florence Birch Stradley was recognized by all as a capable leader in the League of Women Voters, City PTA Council, Citizens Committee for Better Schools of Asheville and Buncombe County, the Y.W.C.A., Human Relations Council, Buncombe County Planning Council, the Day Care Council, and as a loyal member of the Grace Episcopal Church; and

WHEREAS, the entire Asheville community has inherited the rewards of her good works, which were born and nourished by her love and respect for her family and Church, City, County and State, and her fellow man; and

WHEREAS, in her passing, the Asheville Community has lost an outstanding citizen and a loyal friend and deems it fitting to designate with her name one of the projects in which she expressed great interest.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

1. That the Tot Lot Program be hereafter known as the FLORENCE B. STRADLEY TOT LOT PROGRAM.

2. That the Parks and Recreation Department of the City of Asheville assume the responsibility for continuing such program and the supervision thereof.

3. That a copy of this resolution be incorporated as a part of the record of the proceedings of this Council and that a duplicate be transmitted by the Mayor of the City to the husband and family of Florence Birch Stradley.

I move the adoption of the foregoing resolution.

Barbara C. Keleher
COUNCILMAN

SECONDED BY: Ruben J. Dailey
COUNCILMAN

Read, approved and adopted, this 9th day of October, 1969.

Wayne S. Montgomery
MAYOR

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

MODEL CITIES PROJECT AREA EXPANDED

Councilman Colton introduced a resolution expanding the Model Cities Project Area, which was, upon motion of Councilman Colton and after a discussion, seconded by Councilman Keleher, and unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 377.

LEASE - OFF-STREET PARKING - Dorothy J. Morgan and husband and Joseph A. Johnson and wife

Councilman Dailey introduced a resolution authorizing Wayne S. Montgomery to execute parking lot lease of property owned by Dorothy J. Morgan and others, which was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 378.

RESOLUTION PROVIDING FOR ISSUANCE OF $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES

Councilman Anderson introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $4,000,000 Auditorium Bonds was passed by the Council of the City of Asheville on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held on December 5, 1967.

(b) That none of said bonds has been issued and that there are outstanding $1,000,000 Auditorium Bond Anticipation Notes which were issued in anticipation of the receipt of the proceeds of a like amount of said bonds which notes are dated June 23, 1969, mature on October 23, 1969 and bear interest at the rate of 5.99% per annum.

Section 2. In anticipation of the receipt of the proceeds of a like amount of said bonds, the issuance of $1,000,000 negotiable notes of the City of Asheville is hereby authorized, which notes shall be designated "Auditorium Bond Anticipation Notes", shall be dated October 22, 1969, shall mature on April 22, 1970, without option of prior payment, and shall bear interest at a rate to be determined by the Local Government Commission at the time the notes are sold, which interest shall be payable at the maturity of the notes to which no interest coupons shall be attached. Said notes shall be payable as to principal and interest at such bank or trust company, and shall have such denomination or denominations and bear such number or numbers as may be fixed by the Mayor after the award of the notes by the Local Government Commission, and both the principal of and the interest on said notes shall be payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. This resolution, being a resolution directing administrative action shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Thereupon, upon motion of Councilman Anderson, seconded by Councilman Keleher, the foregoing resolution entitled : "RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES" was passed by the following vote:

Yeas: Councilmen Colton, Keleher, Anderson, Dailey, Atkinson, and Mayor Montgomery

Nays: None

DDB082

RESOLUTION PROVIDING FOR THE ISSUANCE OF $700,000 REDEVELOPMENT BOND ANTICIPATION NOTES

Thereupon Councilman Colton introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF $700,000 REDEVELOPMENT BOND ANTICIPATION NOTES

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $1,400,000 Redevelopment Bonds was passed by the Council of the City of Asheville on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held on December 5, 1967.

(b) That none of said bonds has been issued and that there are outstanding $700,000 Redevelopment Bond Anticipation Notes which were issued in anticipation of the receipt of the proceeds of a like amount of said bonds, which notes are dated June 23, 1969, mature October 23, 1969 and bear interest at the rate of 5.99% per annum.

Section 2. In anticipation of the receipt of the proceeds of a like amount of said bonds, the issuance of $700,000 negotiable notes of the City of Asheville is hereby authorized, which notes shall be designated "Redevelopment Bond Anticipation Notes", shall be dated October 22, 1969, shall mature on April 22, 1970, without option of prior payment, and shall bear interest at a rate to be determined by the Local Government Commission at the time the notes are sold, which interest shall be payable at the maturity of the notes to which no interest coupons shall be attached. Said notes shall be payable as to principal and interest at such bank or trust company, and shall have such denominations or denominations and bear such number or numbers as may be fixed by the Mayor after the award of the notes by the Local Government Commission, and both the principal of and the interest on said notes shall be payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. This resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

_____
Corporation Counsel

_____
Mayor

_____
City Clerk

Thereupon, upon motion of Councilman Colton, seconded by Councilman Atkinson, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $700,000 REDEVELOPMENT BOND ANTICIPATION NOTES" was passed by the following vote:

Yeas: Councilmen Colton, Keleher, Anderson, Dailey, Atkinson, and Mayor Montgomery

Nays: None.

RESOLUTION FIXING FORM AND MANNER OF $1,700,000 BOND ANTICIPATION NOTES AND RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR APPROVAL, ADVERTISEMENT AND SALE OF SAID NOTES

Thereupon Councilman Anderson introduced the following resolution which was read:

RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF $1,700,000 BOND ANTICIPATION NOTES TO BE ISSUED UNDER DATE OF OCTOBER 23, 1969, AND RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE APPROVAL ADVERTISEMENT AND SALE OF SAID NOTES

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The $1,000,000 Auditorium Bond Anticipation Notes and the $700,000 REdevelopment Bond Anticipation Notes to be issued by the City of Asheville under date of October 23, 1969, shall be signed by the Mayor and the City Clerk and the corporate seal of the City shall be affixed to the notes and said notes shall have endorsed thereon the written approval of the City Attorney.

Section 2. Said notes and the endorsement to be placed upon the reverse of said notes shall be substantially as follows:

No. _____ $_____

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE

..... Bond Anticipation Note

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer on the 22nd day of April, 1970, the principal sum of

_____THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of _____ per centum (_____%) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of and the interest on this note are payable at _____, in _____, _____, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts. For the prompt payment hereof both principal and interest as the same become due, the full faith and credit of said City of Asheville are hereby irrevocably pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of a like amount of _____ Bonds duly authorized by an ordinance passed by the Council of said City on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held, and this note is issued pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Lodal Government Act, as amended, and a resolution duly passed by the Council of said City.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this note have happened, exist and have been performed in regular and due form and time as so required, and that the total indebtedness of said City, including this note, does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, said City of Asheville has caused this note to be signed by its Mayor and its City Clerk and the corporate seal of the City to be affixed hereto, all as of the 22nd day of October, 1969.

_____
Mayor

_____
City Clerk

The issuance of this note is hereby approved.

_____
City Attorney

(To be endorsed upon the reverse of notes)

Local Government
Commission Serial No. ...

The issuance of this note has been approved under the provisions of the Local Government Act of North Carolina.

H. E. BOYLES,
Secretary, Local Government Commission

By:_____
Designated Assistant

Section 3. The dotted line in the second paragraph of the note form set forth in Section 2 of this resolution shall be filled as follows:

In the Auditorium Bond Anticipation Notes there shall be inserted the word "Auditorium".

In the Redevelopment Bond Anticipation Notes there shall be inserted the word "Redevelopment".

Section 4. The action of the City Manager in applying to the Local Government Commission to approve, advertise and sell said notes, and the action of the Local Government Commission in asking for bids for said notes by publishing a sale notice and printing and distributing circulars, be and the same are hereby ratified and confirmed.

Section 5. This resolution, being a resolution directing administrative action shall take effect immediately.

Approved as to form:

_____
Corporation Counsel

_____
Mayor

_____
City Clerk

Thereupon, upon motion of Councilman Anderson, seconded by Councilman Dailey, the foregoing resolution entitled: "RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF $1,700,000 BOND ANTICIPATION NOTES TO BE ISSUED UNDER DATE OF OCTOBER 22, 1969, AND RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE APPROVAL, ADVERTISEMENT AND SALE OF SAID NOTES" was passed by the following vote:

Yeas: Councilmen Colton, Kelsher, Anderson, Dailey, Atkinson and Mayor Montgomery

Nays: None

RESOLUTION PROVIDING FOR THE ISSUANCE OF $660,000 MUNICIPAL VEHICLE BONDS

Councilman Anderson introduced in written form the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF $660,000 MUNICIPAL VEHICLE BONDS

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $660,000 Municipal Vehicle Bonds was passed on November 21, 1968, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted at an election duly called and held on January 7, 1969.

(b) That none of said bonds has been issued and that it is necessary to issue all of the bonds authorized by said ordinance.

(c) That the probable period of usefulness of the vehicles to be acquired pursuant to said ordinance is a period of ten years from November 21, 1969, a date not more than one year after the passage of said ordinance, and that said period expires on November 21, 1979.

Section 2. Pursuant to said ordinance there shall be issued the negotiable coupon bonds of the

DDB082

City of Asheville, in the aggregate principal amount of $660,000, designated "Municipal Vehicle Bonds", dated November 1, 1969, consisting of 132 bonds of the denomination of $5,000 each, numbered 1 to 132, inclusive. Said bonds shall mature annually, May 1, in numerical order, lowest numbers first, $60,000 1971, $75,000 1972 to 1979, inclusive, without option of prior payment, and shall bear interest from their date at a rate or rates not exceeding 6% per annum to be determined by the Local Government Commission at the time the bonds are sold, which interest to the maturity thereof shall be payable semi-annually on the 1st days of June and December of each year. Both the principal of and the interest on said bonds shall be payable in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts, at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, or at the option of the holder or registered owner, at the Wachovia Bank and Trust Company, N.A., in the City of Raleigh, North Carolina.

Section 3. Said $660,000 Municipal Vehicle Bonds shall be executed with the facsimile signatures of the Mayor and the City Clerk and a facsimile of the corporate seal of the City shall be imprinted on the bonds and the interest coupons to be attached to said bonds shall be executed with the facsimile signature of said City Clerk. Said bonds and coupons and the endorsements to be printed upon the reverse of said bonds shall be in substantially the following rorms:

No. _____ $_____

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE

..... Bond

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer or, if this bond be registered, to the registered owner thereof, on the 1st day of May, 19____, the principal sum of

_____ THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of _____ per centum (_____%) per annum until payment of such principal sum, such interest to the maturity hereof being payable semi-annually on the 1st days of June and December of each year upon the presentation and surrender of the coupons representing such interest as the same respectively become due. Both the principal of and the interest on this bond are payable in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts, at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, or at the option of the holder or registered owner, at the Wachovia Bank and Trust Company, N.A., in the City of Raleigh, North Carolina. For the prompt payment hereof, both principal and interest as the same shall become due, the full faith and credit of said City of Asheville are hereby irrevocably pledged.

This bond is one of a series issued by said City pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and an ordinance which was approved by the vote of a majority of the qualified voters of said City who voted at an election duly called and held and resolutions duly passed by the Council of said City for the purpose of providing funds, with any other available funds, for acquiring vehicles for use by the Municipal Transit System.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said City sufficient to pay the principal of and the interest on this bond as the same shall become due; and that the total indebtedness of said City, including this bond, does not exceed any constitutional or statutory limitation thereon.

This bond may be registered as to principal alone in accordance with the provisions endorsed hereon.

IN WITNESS WHEREOF, said City of Asheville has caused this bond to be signed by its Mayor and its City Clerk and the corporate seal of the City to be affixed hereto, and has caused the interest coupons attached hereto to be executed with the facsimile signature of said City Clerk, all as of the 1st day of November, 1969.

Approved as to form:

_____ Mayor

_____ Corporation Counsel

_____ City Clerk

(Endorsements on bonds)

The issuance of the within bond has been approved under the provisions of the Local Government Act of North Carolina.

H. E. BOYLES
Secretary, Local Government Commission

By: _____ Designated Assistant

PROVISIONS FOR REGISTRATION

This bond may be registered as to principal alone in the Bond Register of the City of Asheville by the Director of Finance as Bond Registrar, at his office in the City of Asheville, or by such other Bond Registrar as may be legally appointed by the governing body of said City upon presentation hereof to the Bond Registrar who shall make notation of such registration in the registration blank below, and this bond may thereafter be transferred only upon a duly executed assignment of the registered owner or his attorney, in such form as shall be satisfactory to the Bond Registrar, such transfer to be made on such Bond Register and endorsed hereon by the Bond Registrar. Such transfer may be to bearer and thereby transferability by delivery shall be restored, but this bond shall again be subject to successive registrations and transfers as before. The principal of this bond, if registered, unless registered to bearer, shall be payable only to or upon the order of the registered owner or his legal representative. Notwithstanding the registration of this bond as to principal alone, the coupons shall remain payable to bearer and shall continue to be

DDB082

transferable by delivery.

Date of Registration	Name of Registered Owner	Signature of Bond Registrar
.....	.....	.....
.....	.....	.....
.....	.....	.....

(Form of coupons)

No. _____ $_____

On the 1st day of _____, 19____.

the City of Asheville, a municipal corporation in Buncombe County, North Carolina, will pay to bearer at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, or, at the option of the bearer, at the Wachovia Bank and Trust Company, N. A., in the City of Raleigh, North Carolina, upon the presentation and surrender hereof, the sum of _____ Dollars in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, as provided in and for the semi-annual interest then due upon its Municipal Vehicle Bond, dated November 1, 1969, numbered _____.

_____ City Clerk

Section 4. Said bonds shall be registrable as to principal alone in accordance with the provisions hereinabove provided for endorsement upon said bonds and the Director of Finance is hereby appointed Bond Registrar for the purpose of registering and transferring said bonds, subject to the right of the governing body of the City of Asheville hereafter to appoint another Bond Registrar. No charge shall be made to any bondholder for the privilege of registration and transfer herein gr anted.

Section 5. The application of the City Manager in applying to the Local Government Commission for the advertisement and sale of said bonds, and the action of the Lodal Government Commission in asking for sealed bids for said bonds by printing and distributing circulars, be and the same are hereby ratified and confirmed.

Section 6. This resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

_____ Mayor

_____ Corporation Counsel

_____ City Clerk

Upon motion of Councilman Anderson, seconded by Councilman Colton, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $660,000 MUNICIPAL VEHICLE BONDS" was passed by the following vote:

Yeas: Councilmen Colton, Keleher, Anderson, Dailey, Atkinson, and Mayor Montgomery

Nays: None.

Thereupon the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $660,000 MUNICIPAL VEHICLE BONDS" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

RESOLUTION AUTHORIZING PRINTING
OF LEGAL OPINION ON $660,000
MUNICIPAL VEHICLE BONDS

Thereupon Councilman Atkinson introduced in written form the following resolution which was read:

RESOLUTION AUTHORIZING THE PRINTING
OF LEGAL OPINION ON $660,000 MUNICIPAL VEHICLE BONDS TO BE ISSUED UNDER
DATE OF NOVEMBER 1, 1969

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. There shall be printed on the reverse of each of the $660,000 Municipal Vehicle Bonds to be issued by the City of Asheville under date of November 1, 1969, the legal opinion of Mitchell, Petty & Shetterly, Bond Counsel to the City of Asheville, with respect to the validity of said bonds, and that there shall be printed immediately following such legal opinion a certificate signed with the facsimile signature of the Mayor of the City of Asheville substantially as follows:

"I HEREBY CERTIFY that the foregoing is a true and correct copy of the legal opinion on the bonds therein described which was manually signed by Mitchell, Petty & Shetterly, New York, N. Y., and was dated as of the date of delivery of and payment of said bonds.

(Facsimile Signature)
Mayor of the
City of Asheville, North Carolina."

Section 2. This resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

_____ Mayor

_____ Corporation Counsel

_____ City Clerk

Upon motion of Councilman Atkinson, seconded by Councilman Keleher, the foregoing resolution entitled: "RESOLUTION AUTHORIZING THE PRINTING OF LEGAL OPINION ON $660,000 MUNICIPAL VEHICLE BONDS TO BE ISSUED UNDER DATE OF NOVEMBER 1, 1969" was passed by the following vote:

Yeas: Councilmen Colton, Keleher, Anderson, Dailey, Atkinson, and Mayor Montgomery.

Nays: None.

Thereupon the resolution entitled: "RESOLUTION AUTHORIZING THE PRINTING OF LEGAL OPINION ON $660,000 MUNICIPAL VEHICLE BONDS TO BE ISSUED UNDER DATE OF NOVEMBER 1, 1969" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

AUDITOR CHOSEN - A. M. Pullen & Company

Councilman Atkinson gave a report of the meeting at which the auditors made their presentations, advising that the firm of A. M. Pullen and Company of Winston-Salem had been chosen to be the Auditor for the City. Councilman Atkinson further advised that he, Councilman Colton and Councilman Anderson had been chosen as a Committee to meet with said Auditor. Councilman Anderson recommended that the City dispense with the services of one of the Auditorium Managers in order to secure funds with which to pay for the audit.

BEAVER LAKE GOLF COURSE - DISCUSSION

Councilman Atkinson moved that the Beaver Lake Golf Course be annexed to the City of Asheville. There was no second to the motion.

Councilman Colton reported that the Chamber of Commerce is very interested in annexation, and further that an over-all study is being made of the whole question of annexation.

GREEN HILLS CEMETERY - TAXES

Councilman Atkinson asked what are the facts concerning Green Hills Cemetery and why it is not taxable.

The City Manager was requested to get information on this matter.

LANDING FEES - ASHEVILLE AIRPORT - PRIVATE PLANES

Councilman Keleher inquired why no landing fees are charged for private planes at the Asheville Airport, and the City Manager said he would look into the matter as it affected other cities.

CITY CENTER - DISCUSSION

Councilman Atkinson suggested that Councilman Dailey arrange a conference for Council members on the City Center progress, which Councilman Dailey said he would be glad to do.

PISGAH VIEW APARTMENTS - PROTEST ABOUT POLICE

Mrs. Virginia Lewis, Vice President of the Tenants Association of the Pisgah View Apartments, protested the action of a policeman at said apartments.

Chief Hall spoke concerning the matter, and said he would be glad to interview any witnesses to the incident.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

Thursday, October 16, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, October 16, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Robert P. Crouch, Henry E. Colton, Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, and Corporation Counsel J. N. Golding.

The minutes of the previous meeting were read and approved.

ORDINANCE NO. 637 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 637, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", came up for its third and final reading.

James Cordell again spoke against the passage of the ordinance.

Nick Kmecza of the Planning Department explained what is meant by Roadside Business.

Councilman Anderson moved that the ordinance be amended to provide that all the property south of the projected road running east and west and marked "X" on the map remain zoned RA-6, which motion was seconded by Councilman Atkinson. A vote was taken on the motion with Councilmen Crouch, Colton, Keleher, and Dailey and Mayor Montgomery voting "no", and Councilmen Anderson and Atkinson voting "aye", and the motion was defeated.

The Corporation Counsel suggested that the ordinance be amended to include the words "attached hereto", after the word "map" in sub-section (b) of said ordinance, and Councilman Crouch so moved, which motion was seconded by Councilman Keleher and adopted.

Said ordinance was then, upon motion of Councilman Dailey, seconded by Councilman Anderson,

DDB082

passed on its third and final reading with the following vote:

Councilman Crouch voted "aye"
Councilman Colton voted "aye"
Councilman Keleher voted "aye"
Councilman Anderson voted "no"
Councilman Dailey voted "aye"
Councilman Atkinson voted "no"
Mayor Montgomery voted "aye"

ORDINANCE NO. 637

AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County tax Maps.)

(a) That the following described property be rezoned from Commercial District to RA-6 RESIDENTIAL DISTRICT:

Lots 39 and 40, Ward 4, Sheet 7

(b) That the following described property be rezoned from RA-6 Residential District to ROADSIDE BUSINESS provided that a 50 foot strip be left in RA-6 Residential District as shown on the map attached hereto:

Lots 41 through 43, Lots 46 through 56, Ward 6, Sheet 8, and the rear of Lots 426, 427, and 428, Ward 6, Sheet 4

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 2 day of October, 1969.

Ruben J. Dailey
COUNCILMAN

SECONDED BY: Webster Anderson
COUNCILMAN

Read, approved and adopted, this 16 day of October, 1969, to become effective 31 day of October, 1969.

Wayne S. Montgomery
MAYOR

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

ORDINANCE NO. 638 - AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 1969-70

Ordinance No. 638, being "AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 1969-70", was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously passed on its second reading with the following vote:

Councilman Crouch voted "aye"
Councilman Keleher voted "aye"
Councilman Atkinson voted "aye"
Councilman Dailey voted "aye"
Councilman Colton voted "aye"
Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

CORPORATE LIMITS EXTENSION - ROBINSON RIDGE SUBDIVISION - REQUEST OF IMPERIAL LAND COMPANY - PUBLIC HEARING

The Mayor announced that today is the date set for a public hearing on the annexation of Robinson Ridge Subdivision on the request of Imperial Land Company, and opened the public hearing at 3:37.

The Corporation Counsel read the recommendation of the Metropolitan Planning Board.

The Mayor closed the public hearing at 3:39.

Councilman Anderson moved that action on the ordinance be delayed until a recommendation could be received from the City Manager, which motion was seconded by Councilman Atkinson, and unanimously adopted.

ALL AMERICAN CITY - ASHEVILLE INCLUDED IN FINALISTS

The Mayor called attention to the fact that Asheville in included as one of twenty-two finalists

in the All American City contest and stated the Council wished to express its appreciation to the Chamber of Commerce and Jaycees for their work in preparing the portfolio.

Mr. Bernard Manley spoke about the All American City contest.

Councilman Crouch moved that the Council go on record as commending the Jaycees and Chamber of Commerce and offering support in any way that might be of benefit to them, which motion was seconded by Councilman Atkinson and unanimously adopted.

MUNICIPAL VEHICLE BONDS - SOLD

Councilman Colton called attention to the fact that the Municipal Vehicle Bonds had been sold at a rate of 5.50%, and expressed appreciation to all those who participated in said sale.

GREEN HILLS CEMETERY - DISCUSSION

Councilman Atkinson inquired about the taxes on Green Hills Cemetery, and was advised by the Corporation Counsel that said Cemetery is exempt from taxation by a special legislative act.

HOUSING - LOW-RENT - DISCUSSION

Mrs. F. M. Elrod inquired about a proposed low-rent housing project in West Asheville which she said she had been informed was on the Scott Dillingham property bounded by State Street, Short Michigan Avenue and Amboy Road, expressing opposition to said project.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

Thursday, October 23, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, October 23, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Robert P. Crouch, Henry E. Colton, Barbara C. Keleher, Webster Anderson, Rubey Dailey, Luke Atkinson, City Manager Phin. Horton, III, and Corporation Counsel J. N. Golding.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lots 2 and 9, Sheet 11, Ward 7 - Evelyn K. Ness)

A request was received from Evelyn K. Ness for the rezoning of Lots 2 and 9, Sheet 11, Ward 7.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lots 117, 118, 119, 119½, 120½, 121½, 122½, 123, 124, 125, 126, 123½ and 145, Sheet 26, Ward 7

A request was received from B. Fletcher Carter and wife for the rezoning of Lots 117, 118, 119, 119½, 120½, 121½, 122½, 123, 124, 125, 126, 123½, and 145, Sheet 26, Ward 7.

This request was referred to the Planning and Zoning Commission for study and recommendation.

PLAT - C. HUGH BOULDEN SUBDIVISION - RECOMMENDATION OF PLANNING AND ZONING COMMISSION

A letter was received from the Planning and Zoning Commission recommending approval of a plat of the C. Hugh Boulden Subdivision in accordance with Subdivision Ordinance 424.

Councilman Atkinson moved that action on this plat be tabled until next week, which motion was seconded by Councilman Keleher and unanimously adopted.

ORDINANCE 638 - AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 1969-70

Ordinance No. 638, being "AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 1969-70", was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously passed on its third and final reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Councilman Atkinson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 638

AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 1969-70

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. The budget ordinance of the City of Asheville for the fiscal year 1969-70, adopted Thursday, July 10, 1969, and recorded in Minute Book 36 at pages 104, 105, is hereby amended as follows:

GENERAL FUND

APPROPRIATIONS

DDB0082

Item A-6030.02 Salaries and Wages, Judicial Department.

Strike out the figures $21,400" and insert in lieu thereof the figures $24,400."

Item A-6030.03. Salaries and Wages, Temporary.

Delete the figure $2,600"

REVENUES

Item A-5601 Court costs, Fees and Charges.

Strike out the figure "$100,000 and insert in lieu thereof the figure"$103,000".

Section 2. This ordinance shall take effect upon its adoption.

I move the adoption of the foregoing ordinance, this 9th day of October, 1969.

Ruben J. Dailey
COUNCILMAN

SECONDED BY: Webster Anderson
COUNCILMAN

Read, approved and adopted, this 23 day of October, 1969, to become effective 23 day of October, 1969.

Wayne S. Montgomery
MAYOR

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

AGREEMENT WITH T. H. PLEMMONS, JR. CONCERNING A 2 INCH WATER LINE ON BRADSHAW ROAD

The City Manager read and explained a resolution authorizing the Mayor to enter into agreement with T. H. Plemmons, Jr., concerning a 2-inch water line on secondary road No. 1225 (Bradshaw Road), Upper Hominy Township, Buncombe County, and Councilman Colton stated he wished the minutes to reflect that this matter and the size of the line had been agreed to before the recommendation of the consultants and does not set a precedent.

Following a discussion said resolution was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 386.
Copy of contract will be found attached to original resolution.

ORDINANCE NO. 639 - AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

The City Manager discussed the annexation of the Robinson Ridge Subdivision and recommended said annexation, and Mr. Kenneth Parton spoke in favor of the annexation.

Following a discussion Ordinance No. 639, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Anderson, seconded by Councilman Crouch, unanimously passed on its first reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Councilman Atkinson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 640 - AN ORDINANCE DESIGNATING RESIDENCE REQUIREMENTS FOR EMPLOYMENT IN THE CITY OF ASHEVILLE

Ordinance No.640, being "AN ORDINANCE DESIGNATING RESIDENCE REQUIREMENTS FOR EMPLOYMENT IN THE CITY OF ASHEVILLE", was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, passed on its first reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Councilman Atkinson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 641 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

The City Manager advised that because of a recent court decision the Corporation Counsel had prepared an ordinance rezoning the R. L. Coleman property on Tunnel Road, being Lot 2-1/2, Sheet 21, Ward 8, and recommended that this matter be referred to the Planning and Zoning Commission for study and recommendation.

Councilman Crouch moved that said ordinance be referred to the Planning and Zoning Commission for study and recommendation in order that Mr. Coleman and the property owners in the vicinity may be heard, which motion was seconded by Councilman Anderson and unanimously adopted. Then Councilman Crouch further moved that this ordinance arose on motion of the Council and not on petition, which motion was seconded by Councilman Anderson and unanimously adopted.

BIDS - CUSHMAN SCOOTERS
FOR POLICE DEPARTMENT

The City Manager advised that after due advertisement only one bid had been received for 2 Cushman Scooters for the Police Department

Cumberland Clarklift, Inc. of Knoxville, Tenn. $4,370.00

Councilman Crouch moved that the bid be awarded Cumberland Clarklift, Inc. in the amount of $4,370.00, which motion was seconded by Councilman Keleher and unanimously adopted.

WATER LINE EXTENSION AND SEWER
LINE EXTENSION - POLICY

The City Manager read a resolution concerning water and sewer line extensions for the City of Asheville, and there was a discussion concerning said resolution.

Following the discussion Councilman Keleher moved that this matter be tabled until next Thursday, which motion was seconded by Councilman Atkinson and unanimously adopted.

AGENDA

The City Manager discussed the agenda, and recommended a policy that any item for action at a Thursday Council meeting if it is to be scheduled on the agenda be received by noon on Tuesday.

Councilman Atkinson moved that this policy be adopted, which motion was seconded by Councilman Crouch and unanimously adopted.

1% SALES TAX - COUNCIL
REAFFIRMS ITS POSITION

Councilman Atkinson discussed the importance of the passage of the 1% sales tax in the forthcoming election, and that the Council reaffirm its position to cut the property tax rate next year if the sales tax is approved.

Councilman Dailey moved that the Council reaffirm its position that the 1970-71 ad valorem tax rate shall be the present $1.65 per $100.00 assessed valuation reduced by at least 60% of the Sales Tax Revenue to be collected during the fiscal year 1970-71 for allocation to the City of Asheville, which motion was seconded by Councilman Anderson and adopted.

BUSES - APPRECIATION TO
ASHEVILLE TRANSIT AUTHORITY

Councilman Crouch called attention to the fact that some of the new buses have now arrived, and moved that the Council go on record as extending its appreciation to the Transit Authority for their work in this behalf, which motion was seconded by Councilman Keleher and unanimously adopted.

SOUTH GROVE STREET -
DRAINAGE PROBLEM

Councilman Dailey discussed the drainage problem at the Blakeley property on South Grove Street, and moved that the County Health Department be requested to abate this nuisance, which motion was seconded by Councilman Anderson and unanimously adopted.

DUMP - BEAR CREEK ROAD

Councilman Keleher brought up the matter that the dump near Bear Creek Road is still a problem, and the City Manager advised he would look into this.

MODEL CITIES - AGENDA

Mr. Logan Delaney spoke about the scheduling of matters on the agenda in connection with a resolution which the Model Cities Commission wished to have adopted by the City Council involving effective citizen participation in the Model Cities program.

CITY MANAGEMENT CONVENTION -
MR. McCord

Mr. McCord discussed a recent newspaper article of a report by the City Manager of a recent City Management Association convention.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, M.D.
MAYOR

CITY CLERK

Thursday, October 30, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, October 30, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Barbara C. Keleher, Henry E. Colton, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, and Corporation Counsel J. N. Golding.

The minutes of the previous meeting were read and approved.

WESTERN NORTH CAROLINA REGIONAL AIR
POLLUTION BOARD - PROPOSED

A letter was read from Charles S. Frost, Director of the Regional Air Pollution Commission, concerning a resolution pertaining to the establishment of the Western North Carolina Regional Air Pollution Board, and Mr. Frost explained the resolution.

There was a discussion concerning the matter, and Councilman Atkinson pointed out that since he lives in the city he would be paying twice.

Following the discussion the Mayor suggested that Mr. Frost come back to the next meeting of the City Council with further facts.

DDB082

ZONING ORDINANCE - AMENDMENT REQUESTED
(Lots 134, 135, 136, 137, 138, 138½, 139, 139½, Sheet 3, Ward 4 - Asheville Transit Authority)

A request was received from the Asheville Transit Authority for the rezoning of Lots 134, 135, 136, 137, 138, 138½, 139, 139½, Sheet 3, Ward 4.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ZONING ORDINANCE - AMENDMENT REQUESTED
(Lots 151, 7, 56, 150, 7-3/4, Sheet 22, Ward 9, Lots 1-3/4, 1, Sheet 23, Ward 9 - S. D. Rocamora, agent)

A request was received from S. D. Rocamora, Agent for the rezoning of Lots 151, 7, 56, 150, 7-3/4, Sheet 22, Ward 9, Lots 1-3/4, 1, Sheet 23, Ward 9.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ORDINANCE No. 639 - AN ORDINANCE
EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

Ordinance No. 639, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Anderson, seconded by Councilman Crouch, unanimously passed on its second reading with the following vote:

Councilman Keleher voted "aye"
Councilman Atkinson voted "aye"
Councilman Dailey voted "aye"
Councilman Colton voted "aye"
Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 640 - AN ORDINANCE
DESIGNATING RESIDENCE REQUIREMENTS
FOR EMPLOYMENT IN THE CITY OF ASHEVILLE

Ordinance No. 640, being "AN ORDINANCE DESIGNATING RESIDENCE REQUIREMENTS FOR EMPLOYMENT IN THE CITY OF ASHEVILLE", was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously passed on its second reading with the following vote:

Councilman Keleher voted "aye"
Councilman Atkinson voted "aye"
Councilman Dailey voted "aye"
Councilman Colton voted "aye"
Councilman Anderson voted "aye"
Mayor Montgomery voted "aye"

WATER AND SEWER LINE EXTENSION -
POLICY - DISCUSSION

Mr. Harold Bowling, President of the Home Builders Association, spoke about the resolution concerning water and sewer line extension and asked that action be postponed in order to give his Association further time to study the proposal.

Councilman Anderson moved that this matter be tabled until said Association has had time to study it with the understanding that the City Manager and other city officials will not make any agreements or commitments to extend lines outside the city until the Council acts on the proposed policy changes, which motion was seconded by Councilman Colton and unanimously adopted.

PLAT - C. HUGH BOULDEN SUBDIVISION -
APPROVED UNDER PROVISIONS OF SUBDIVISION ORDINANCE 424

Mr. Douglas Taylor of the Planning Department presented a map showing the location of the C. Hugh Boulden subdivision, and, following a discussion, Councilman Colton moved that said plat be approved under the provisions of Subdivision Ordinance 424, which motion was seconded by Councilman Anderson and adopted.

BLUE JAY KNITTING MILLES, INC.,
MILLS MANUFACTURING CORPORATION
AND SKF INDUSTRIES, INC. - AGREEMENTS
FOR FIRE PROTECTION

Councilman Atkinson introduced a resolution authorizing Mayor to enter into agreement with Blue Jay Knitting Mills, Inc., Mills Manufacturing Corporation and SKF Industries, Inc. for fire protection, which was, upon motion of Councilman Atkinson, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 387.
Copies of contracts will be found attached to original resolution.

MODEL CITIES COMMISSION AND OPPORTUNITY
CORPORATION OF MADISON-BUNCOMBE COUNTIES -
INTERAGENCY COOPERATION

Mr. Lawrence Kelly, Director of the Opportunity Corporation of Madison-Buncombe Counties read a resolution for effective interagency cooperation, and explained that this is an effort of the Model Cities Commission, the Opportunity Corporation of Madison-Buncombe Counties and the City Council to approve funding programs that will help Asheville's Model Cities Commission to achieve citizen participation and community organization.

Mr. Logan Delaney, Executive Director of the Model Cities Commission, also spoke on the resolution.

Following a discussion the resolution was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 atpage 388.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES CONVENTION - APPRECIATION

Councilman Keleher moved that appreciation be expressed to the City Manager and department heads for their hard work prior to and during the recent League of Municipalities Convention in Asheville, and also to the staff at Grove Park Inn, which motion was seconded by Councilman Colton and unanimously adopted.

The City Manager thanked the Council members for their participation in said convention.

CROSSTOWN EXPRESSWAY - SPEED LIMIT

Councilman Keleher discussed speed limits on the Crosstown Expressway and requested the City Manager to see if the State can't post a 40 or 45 mile an hour limit on the expressway.

RIVERSIDE CEMETERY - DISCUSSION

Councilman Atkinson discussed Riverside Cemetery, and suggested that the City Manager look into the matter of leasing or contracting for the upkeep of the cemetery.

PROBATION OFFICE - DISCUSSION RE RENT

Councilman Atkinson suggested that the city ask the state to pay rent for the office space occupied by the Probation Division in the Municipal Building, and requested the City Manager to look into this.

CREDIT RATING OF CITY - DISCUSSION

Councilman Atkinson discussed the credit rating of the city and stated that voting for the 1% sales tax would help improve the city's rating.

VETERANS DAY - PROCLAMATION

Councilman Anderson called attention to the fact that the Mayor had signed a proclamation designating the week beginning November 9th and ending November 15th as Veterans Week in the City of Asheville and County of Buncombe, which was also signed by Gordon Greenwood, Chairman of the Board of County Commissioners.

MODEL CITIES - VICTOR CHALK

Mr. Victor Chalk thanked the city for adopting the Model Cities-Opportunity Corporation resolution.

Mr. Chalk also spoke against the 1% sales tax.

TRASH - MOUNTAIN AND CLEMENT STREETS

Mr. Lloyd McCord requested that something be done about the trash which has accumulated on Mountain and Clement Streets.

TRASH DUMP - VICINITY OF NORTH BEAR CREEK ROAD

Mr. and Mrs. Dewey Brown of 18 Powers Drive complained that a trash dump in the vicinity of Powers Drive had not been filled in and the City Manager was requested to make an investigation.

Mr. and Mrs. Brown also complained that their property taxes are out of line compared to those of their neighbors and that the Board of Tax Supervision had declined to make an adjustment.

SOUTH GROVE STREET DRAINAGE PROBLEM

Mrs. Roy Rogers again brought up the matter of the drainage problem on South Grove Street and was advised that the Health Department is now making an investigation of the matter.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

Thursday, November 6, 1969 - 3:00 o'clock P. M.

The City Council met in regular session Thursday, November 6, 1969, at 3:00 o'clock P. M. with Mayor Wayne S. Montgomery presiding. Present: Councilmen Barbara C. Keleher, Robert P. Crouch, Henry E. Colton, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, and Corporation Counsel J. N. Golding.

The minutes of the previous meeting were read and approved.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES - RESOLUTION OF APPRECIATION

A resolution of appreciation was received from the North Carolina League of Municipalities for the recent convention held in the City of Asheville.

DDB082

SOUTH GROVE STRRET DRAINAGE PROBLEM - REPORT OF HEALTH DEPARTMENT

A report was received from the Buncombe County Health Department advising a thorough investigation of water and drainage complaints on South Grove Street showed that no health hazard exists.

ORDINANCE NO. 639 - AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

Ordinance No. 639, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Anderson, seconded by Councilman Crouch, unanimously passed on its third and final reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Councilman Atkinson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 639

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, the owners of the property included within the description hereinafter set out have signed a petition requesting the governing body of the City of Asheville to annex such territory, which petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication in a newspaper having general circulation in the municipality prior to the date of the public hearing describing by metes and bounds the territory to be annexed, as required by law, thus notifying the owners of the property located in such territory that a session of the legislative body of the City of Asheville will meet on the 16th day of October, 1969 for the purpose of considering the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, the Council is of the opinion that the petition heretofore filed meets the requirements of Chapter 160, Article 36 of the General Statutes of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the tract or tracts of land hereinafter described under the authority and procedure for the extension of corporate limits set out in said Chapter 160, Article 36 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and enlarged by hereby annexing the territory and property described as follows:

BEGINNING at a point in the present City Limit line, said point being the intersection of the present City Limit line with the Northern line of the property described in the deed recorded in Deed Book 995, page 649, of the Buncombe County Register of Deeds Office, and runs thence with the present City Limit line South 18 deg. 31' 54" West 313.93 to a point in the Southern line of the above mentioned property; thence North 88 deg. 36' 00" West 280.75 with the Southern line of said property to a point in Robinson Avenue, said point also being the Southwest corner of the above mentioned property; thence with the western line of said property 1 deg. 24' --" East 300.00 feet to a point, the Northwest corner of said property; thence S uth 88 deg. 36' --" East 373.23 feet with the Northern line of said property to a point in the present City Limit line, the point of BEGINNING. The above described property being that portion of the property described in Dedd Book 995 page 649 that is presently outside of the city limits.

Section 2. That from and after the effective date of this ordinance the territory herein annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shll be entitled to the same privileges and benefits as other parts of such municipality, and the newly annexed territory shall be subject to municipal taxes levidd for the fiscal year following the effective date of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of such annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Register of Deeds of Buncombe County, North Carolina, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective fifteen days after date of final passage.

I move the adoption of the foregoing ordinance, this 23 day of October, 1969.

Webster Anderson
COUNCILMAN

SECONDED BY: Robert P. Crouch
COUNCILMAN

Read, approved and adopted, this 6 day of November, 1969, to become effective 21 day of November, 1969.

Wayne S. Montgomery
MAYOR

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

ORDINANCE NO. 640 - ORDINANCE DESIGNATING RESIDENCE REQUIREMENTS FOR EMPLOYMENT IN THE CITY OF ASHEVILLE

Ordinance No. 640, being "ORDINANCE DESIGNATING RESIDENCE REQUIREMENTS FOR EMPLOYMENT IN THE CITY OF ASHEVILLE, was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously passed

on its third and final reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Councilman Atkinson voted "aye"
Mayor Montgomery voted "aye"

ORDINANCE NO. 640

ORDINANCE DESIGNATING RESIDENCE REQUIREMENTS FOR EMPLOYMENT IN THE CITY OF ASHEVILLE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. Residence within the City of Asheville shall not be a qualification or prerequisite to employment of any non-elective office or position by the City of Asheville, however, such employee of the City of Asheville shall reside within Buncombe County.

Section 2. Each applicant for employment or promotion who resides within the City of Asheville shall receive a 5 point advantage over any non-resident in any test required by the Department of Civil Service.

Section 3. All employees of the classified services of the City of Asheville shall be subject to the provisions and regulations of the Civil Service Act.

Section 4. This ordinance shall not apply to the City Manager, City Clerk, Corporation Counsel, Chief of Police, Fire Chief, Deputy Clerks or Assistant Deputy Clerks of the Asheville City Police Court, Director of Public Works, Street Superintendent, Sanitation Superintendent, Director of Motor Transport and members of any Board or Commission appointed by Council.

I move the adoption of the foregoing ordinance, this 23 day of October, 1969.

Ruben J. Dailey
COUNCILMAN

SECONDE D BY: Luke Atkinson
COUNCILMAN

Read, approved and adopted, this 6 day of November, 1969, to become effective 21 day of November, 1969.

Wayne S. Montgomery
MAYOR

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

REGIONAL AIR POLLUTION COMMISSION - ACTION DELAYED ON RESOLUTION

Mr. Charles Frost, Director of the Regional Air Pollution Commission, submitted a list of services done for the city and improvements in pollution problems here, and answered questions of Councilmen concerning said services.

Following a discussion Councilman Anderson moved that this matter be tabled for two or three weeks in order to give the Mayor or his representatives an opportunity to negotiate with the County Commissioners of the three counties involved to see if an equitable way of financing the project can be arrived at, which motion was seconded by Councilman Keleher and unanimously adopted.

The Mayor appointed Councilmen Anderson and Keleher to follow through on this matter.

TRASH DUMP - VICINITY OF NORTH BEAR CREEK ROAD - DISCUSSION

The matter of the trash dump in the vicinity of North Bear Creek Road was again brought up, and the City Manager read letters from the Health Department and the Building Inspector regarding this matter. Mr. Charles Williams of the Health Department made a report of existing conditions.

Councilman Colton then moved that the Health Department make a report two weeks from today as to whether or not this matter has been taken care of, which motion was seconded by Councilman Atkinson and unanimously adopted.

Mrs. Brown brought up the matter of her taxes, and was requested to write to the Board of Tax Supervisors for a re-appraisal of her property.

SITE PLAN - MOUNTAINSIDE APARTMENTS

The City Manager advised that today is the date set for a public hearing on the site plan for the Mountainside Apartments, and the Mayor opened the public hearing at 4 o'clock.

Following a discussion, the public hearing was closed at 4:10. Councilman Dailey then moved that the site plan be approved, which motion was seconded by Councilman Colton and unanimously adopted.

ORDINANCE NO. 642 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

The City Manager advised that today is the date set for a public hearing on the rezoning of certain property on Victoria Road and the Mayor opened the public hearing at 4:13 o'clock.

Following a discussion, the public hearing was closed at 4:16 o'clock.

Ordinance No. 642, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Anderson, seconded by

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Councilman Keleher, unanimously passed on its first reading with the following vote:

Councilman Crouch voted "aye" — Councilman Anderson voted "aye"
Councilman Colton voted "aye" — Councilman Dailey voted "aye"
Councilman Keleher voted "aye" — Councilman Atkinson voted "aye"
Mayor Montgomery voted "aye"

WATER AND SEWER CONNECTION CHARGES - RESOLUTION REVISING

The City Manager read a resolution revising water and sewer connection charges for the City of Asheville.

Mr. Richard Covington, Executive Vice-President of the Home Builders Association, requested that action on this resolution be postponed until his Association had had time to study the matter and confer with the City Manager.

Councilman Colton moved that action be postponed on the resolution until the Council and others have had an opportunity to study the matter, said study to be completed as soon as possible, which motion was seconded by Councilman Atkinson and unanimously adopted.

ALLEYWAY ON WESTERN MARGIN OF MERRIMON AVENUE - REFUSAL TO ACCEPT AS A PUBLIC STREET

The City Manager read a resolution declining and refusing to accept a 10 foot alleyway on the western margin of Merrimon Avenue as a public street, and the Corporation Counsel advised that such refusal had been approved by the Metropolitan Planning Board.

Following a discussion, said resolution was, upon motion of Crouch, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 389.

MOUNTAIN MANPOWER - REQUEST FOR PARKING SPACES APPROVED

The City Manager advised that Mountain Manpower had requested 20 parking spaces in a city operated parking lot at the corner of Biltmore Avenue and Aston Streets.

Following a discussion, Councilman Crouch moved that said parking spaces be allotted to Mountain Manpower, which motion was seconded by Councilman Keleher and unanimously adopted.

WATER LINE EXTENSION ON AURORA VISTS ROAD AND TOM LUNSFORD ROAD - AGREEMENT WITH TOM C. SMITH

The City Manager read a resolution authorizing the Mayor to enter into agreement with Tom C. Smith concerning 2-inch water line extension on Aurora Vista Road and Tom Lunsford Road, Hazel Township, Buncombe County, advising that said agreement pre-dated the new water line extension policy.

Following a discussion, said resolution was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 390.

BIDS - TWO-WAY RADIO COMMUNICATION SYSTEM FOR PUBLIC WORKS AND WATER DEPT.

The City Manager advised that after due advertisement bids had been received for a two-way radio communication system for the Public Works and Water Departments.

General Electric Company	Motorola Communications
$20,913.64	System (a) $22,774.18
	System (b) 17,570.62
$165.00 per month	
12 month period $1,986.60	One year maintenance included
$22,900.24	in bid price

and recommended that the bid be awarded to Motorola Communications for the system (a) bid.

Councilman Crouch moved that the bid be so awarded, which motion was seconded by Councilman Dailey and unanimously adopted.

MINUTES AND AGENDA - NEW FORMAT

The City Manager discussed a new format for keeping the minutes of the Council meetings, and Councilman Crouch moved that the new format be adopted, which motion was seconded by Councilman Atkinson and unanimously passed.

1¢ SALES TAX - APPRECIATION

Councilman Dailey moved that the Council go on record as expressing appreciation to the citizens of Asheville and Buncombe County for demonstrating confidence in the area by passing the 1% sales tax.

AUDIT PROCEDURES - REPORT

Councilman Atkinson discussed the audit , and advised that a report concerning city audit procedural cha nges would be ready in a week or two.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

Thursday, November 13, 1969 - 3:00 o'clock P. M.

The City Council of the City of Asheville met in Regular session at City Hall in the City of Asheville at 3:00 o'clock P. M. on Thursday, November 13, 1969.

The meeting was called to order by the Mayor andupon roll call, those present and absent were as follows:

Present: Councilmen Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, and City Manager Phin. Horton, III.

Absent: Councilman Henry E. Colton

1. The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (non-profit museums)

2. Reading of a letter from Planning and Zoning Commission recommending that non-profit museums be added to RA-8 Residential District.

Councilman Crouch moved that a public hearing be held after due advertisement at petitioner's expense, which motion was seconded by Councilman Anderson and unanimously adopted.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Request of B. Fletcher Carter)

3. Reading of a letter from Planning and Zoning Commission recommending that the property of Mr. and Mrs. B. Fletcher Carter and others lying off Fairview Road between Stevens Street and Wilmington Road be rezoned to Neighborhood Trading Area.

Councilman Keleher moved that a public hearing be held after due advertisement at petitioner's expense, which motion was seconded by Councilman Dailey and unanimously adopted.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Request of Asheville Transit Authority)

4. Reading of a letter from the Planning and Zoning Commission recommending that land owned by the Asheville Transit Authority on West Haywood Street at Park Avenue and Jefferson Drive be rezoned from RA-5 to Industrial.

Councilman Anderson moved that a public hearing be held after due advertisement at city expense, which motion was seconded by Councilman Atkinson and unanimously adopted.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Request of Murray Chidester)

5. Reading of a letter from the Planning and Zoning Commission recommending that land owned by Mr. Murray Chidester at 77, 81 and 83 East Chestnut Street be rezoned from RA-M to Neighborhood Trading Area.

Councilman Dailey moved that a public hearing be held after due advertisement at petitioner's expense, which motion was seconded by Councilman Keleher and unanimously adopted.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Property of R. L. Coleman, Tunnel Road)

6. Reading of a letter from the Planning and Zoning Commission recommending that property owned by R. L. Coleman on Tunnel Road not be rezoned back to RA-6 Residential District.

Councilman Crouch moved that a public hearing be held after due advertisement at city expense, which motion was seconded by Councilman Anderson.

Mr. Ward Hendon, attorney for R. L. Coleman, spoke against said rezoning.

Following the discussion, the motion was adopted with Mayor Montgomery dissenting.

SITE PLAN - A. Z. RENTAL CENTER AND NATIONWIDE INSURANCE COMPANY

7. Reading of a letter from the Planning and Zoning Commission recommending site plan of the A. Z. Rental Center and Nationwide Insurance Company be approved, subject to the City Council granting a variance of the required parking spaces from 24 to 23. Site located off U. S. 19-23 at Laurel Loop and Wilshire Park Subdivision.

Councilman Anderson moved that a public hearing be held after due advertisement at petitioner's expense, which motion was seconded by Councilman Crouch and unanimously adopted.

FLOYD S. BALDWIN, JR. AND WIFE, MILDRED O. BALDWIN, SUBDIVISION PLAT - APPROVED

8. Reading of a letter from the Planning and Zoning Commission recommending final approval of the plat for the Floyd S. Baldwin, Jr. and wife, Mildred O. Baldwin subdivision off the old Haw Creek Road at Rhododendron Place.

Councilman Dailey moved that the plat be approved in accordance with the provisions of Subdivision Ordinance 424, which motion was seconded by Councilman Crouch and unanimously adopted.

DAN SMITH

9. Mr. Dan Smith ate half of his editorial concerning the Asheville High School football team.

DJB082

ORDINANCE 642 - AMENDMENT TO ZONING ORDINANCE

10. Second reading of Ordinance 642 rezoning 184 and 146 Victoria Road from RA-6 to Institutional District.

Ordinance #642 was unanimously passed on its second reading.

WATER LINE EXTENSION - FLOYD S. AND MILDRED O. BALDWIN

11. Consideration of a resolution authorizing the Mayor to enter into an agreement with Floyd S. and Mildred O. Baldwin concerning a 2" water line extension on Rhododendron Place off Old Haw Creek Road, Haw Creek Township.

Said resolution was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of reallution will be found in Resolution Book #5 at page 391.

WATER LINE EXTENSION - C. FRED BROWN

12. Consideration of a resolution authorizing the Mayor to enter into an agreement with C. Fred Brown concerning a 3" water line extension on Young Drive off Morgan Branch Road, Upper Hominy Township.

Said resolution was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 392.

APPLICATION FOR LOW-RENT HOUSING

13. Consideration of a resolution presented by Housing Authority of the City of Asheville approving an application for low-rent housing.

The following resolution was introduced by Councilman Anderson, read in full and considered.

RESOLUTION APPROVING APPLICATION FOR LOW-RENT HOUSING

WHEREAS, it is the policy of this locality to eliminate substandard and other inadequate housing, to prevent the spread of slums and blight, and to realize as soon as feasible the goal of a decent home in a suitable living environment for all of its citizens; and

WHEREAS, under the provisions of the United States Housing Act of 1937, as amended, the UNITED STATES OF AMERICA (herein called the "Government") is authorized to provide financial assistance to local public housing agencies for undertaking and carrying out preliminary planning of low-rent housing projects and financial assistance in providing low-rent housing by leasing dwelling units in existing privately-owned structures, that will assist in meeting this goal; and

WHEREAS, the Act provides that there shall be local determination of need for low-rent housing to meet needs not being adequately met by private enterprise and that the Government shall not make any contract with a public housing agency for preliminary loans for surveys and planning in respect to any low-rent housing projects unless the governing body of the locality involved has by resolution approved the application of the public housing agency for such preliminary loan; and

WHEREAS, Section 23 of the Act provides that the provisions thereof shall not apply to any locality unless the governing body of the locality has by resolution approved the application of such provisions to such localities; and

WHEREAS, the Housing Authority of the City of Asheville (herein called the "Local Authority") is a public housing agency and is applying to the Government for low-rent housing.

NOW, THEREFORE, be it resolved by the City Council of the City of Asheville of North Carolina as follows:

1. There exists in the City of Asheville a need for such low-rent housing at rents within the means of low-income families.

2. The application of the Local Authority to the Government for a preliminary loan in an amount not to exceed $120,000 for surveys and planning in connection with low-rent housing projects of not to exceed approximately 300 dwelling units is hereby approved.

3. The application of provisions of Section 23 of the United States Housing Act of 1937, as amended, to Asheville, N. C. 1/ is approved.
1/ Locality, e. g., city, town, borough, etc., county and state.

There was a discussion of the matter, and Mr. Jennings Groome, Executive Director of the Housing Authority, and Mr. Neal Hanks, Director of Planning and Federal Programs, answered questions of Council members regarding site plans and the operation of the Housing Authority.

Councilman Anderson moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Councilman Keleher and upon roll call the "Ayes" and "Nays" were as follows:

Ayes: Councilmen Crouch, Keleher, Anderson, Dailey, Atkinson, Mayor Montgomery Nays: None

The Mayor thereupon declared said Motion carried and said Resolution adopted.

Complete text of resolution will also be found in Resolution Book #5 at page 393.

ORDINANCE NO. 643 - AN ORDINANCE RESTRICTING PARKING ON CHARLOTTE AND OAK STREETS DURING CERTAIN HOURS

14. Consideration of an ordinance restricting parking on Charlotte Street between Edwin Place

and Woodfin Street and on Oak Street between College Street and Woodfin Street.

Ordinance No. 643, being "AN ORDINANCE RESTRICTING PARKING ON CHARLOTTE AND OAK STREETS DURING CERTAIN HOURS", was, upon motion of Councilman Dailey, seconded by Councilman Keleher, unanimously passed on its first reading.

ORDINANCE NO. 644 - AN ORDINANCE AMENDING SECTION 24-6 OF THE ASHEVILLE CITY CODE TO INCLUDE CERTAIN HIGHWAYS

Councilman Anderson discussed the ordinance regulating signs within 200 feet of the public right-of-way on certain highways, and offered an amendment to said Ordinance to include Project 8.19014 and 8.19093.

Ordinance No. 644, being "AN ORDINANCE AMENDING SECTION 24-6 OF THE ASHEVILLE CITY CODE TO INCLUDE CERTAIN HIGHWAYS, was, upon motion of Councilman Anderson, seconded by Councilman Keleher, unanimously passed on its first reading.

EDUCATION - FACT SHEET SPONSORED BY NATIONAL FEDERATION OF REPUBLICAN WOMEN

Mrs. Keleher called attention to a public service project of the National Federation of Republican Women which will give interested people in North Carolina a chance to express their ideas on Education, and stated this would be a non-partisan project.

There being no further business, the meeting was adjourned.

Wayne S. Montgomery, MP
MAYOR

Margaret Simmons
CITY CLERK

Regular Meeting Thursday, November 20, 1969 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding, and Councilmen Robert P. Crouch, Henry E. Colton, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, and City Manager Phin. Horton, III, and Corporation Counsel J. N. Golding.

Absent: None

1. Approval of minutes of meeting of November 13, 1969.

The minutes were approved as submitted.

ORDINANCE #642 - AMENDMENT TO ZONING ORDINANCE

2. Third reading of Ordinance #642 rezoning 184, 146 Victoria Road from RA-6 to Institutional.

Ordinance #642 was unanimously passed on its third and final reading.

ORDINANCE #643 - RESTRICTING PARKING ON CHARLOTTE STREET AND OAK STREET DURING CERTAIN HOURS

3. Second reading of Ordinance #643 restricting parking on Charlotte Street between Edwin Place and Woodfin Street and on Oak Street between College Street and Woodfin Street.

Ordinance #643 was unanimously passed on its second reading.

ORDINANCE #644 - AN ORDINANCE AMENDING SECTION 24-6 OF THE ASHEVILLE CITY CODE TO INCLUDE CERTAIN HIGHWAYS

4. Second reading of Ordinance #644 restricting the use of signs on existing limited access roads to include the Expressway Connector to I-40 and the I-40 from U. S. 25 to Azalea.

Ordinance #644 was unanimously passed on its second reading.

ORDINANCE #645 - AN ORDINANCE ESTABLISHING SPEED LIMITS ON PATTON AVENUE FROM WESTERN CORPORATE LIMIT TO NC 191

5. Consideration of Ordinance #645 designating speed limits on Patton Avenue from N. C. 191 to the western corporate limits.

Ordinance #645, being "AN ORDINANCE ESTABLISHING SPEED LIMITS ON PATTON AVENUE FROM WESTERN CORPORATE LIMIT TO NC 191", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously passed on its first reading.

WATER AND SEWER LINE EXTENSION POLICIES

6. Further consideration of resolution No. 69-1 regarding water and sewer line extension policies of the City of Asheville.

The City Manager reported that the Home Builders Association has indicated that they are satisfied with the terms and provisions of this policy.

Following a discussion, said resolution was, upon motion of Councilman Keleher, seconded by Councilman Crouch, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 394.

QUIT-CLAIM DEED - RUTH B. WILSON

7. Consideration of Resolution No. 69-2 authorizing the Mayor and City Clerk to execute a quit-claim deed to Ruth B. Wilson for certain tax foreclosures.

Said resolution was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 395.

CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL - APPOINTMENT OF MEMBER (Dan Eller)

8. Consideration of Resolution 69-3 appointing a member of the Board of Alcoholic Control.

Ruben Dailey moved that Fleming Talman be nominated for this position. There was no second.

Said resolution was, upon motion of Councilman Atkinson, seconded by Councilman Anderson, adopted with Councilman Dailey voting no.

Complete text of resolution will be found in Resolution Book #5 at page 396.

RECREATION BOARD FOR ASHEVILLE - APPOINTMENT OF MEMBER (William Pfeiffer)

9. Consideration of Resolution 69-4 appointing a member of Recreation Board for Asheville.

Said resolution was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 397.

WNC REGIONAL AIR POLLUTION COMMISSION

10. Further consideration of Resolution No. 69-5 regarding WNC Regional Air Pollution Commission.

There was a discussion of this matter by Councilman Keleher, and Councilman Dailey stated that when appropriations are made black people should be hired by the Commissions and that detailed information concerning the activities of the Commission should be available by May 1st.

Following the discussion, said resolution was, upon motion of Councilman Dailey, seconded by Councilman Anderson, adopted with Councilman Anderson, adopted with Councilman Atkinson voting no.
Complete text of resolution will be found in Resolution Book #5 at page 398.

Councilman Anderson then made the following motion, which was seconded by Councilman Dailey and unanimously adopted:

The Council of the City of Asheville recognizes that the control and eradication of air pollution are vital to the continued health, welfare, beauty and economic growth of this mountain region. They should therefore be performed on a regional ba is. The counties represented on the Upper French Broad Development Commission form a logical geographic and climatic area for this purpose. This Council therefore urges the counties of Haywood, Henderson, Madison and Transylvania and municipalities therein to join Buncombe County and the City of Asheville in organizing the proposed Board of the Regional Air Pollution Agency and in financing its activities.

BIDS - SURFACING AND RESURFACING STREETS

11. Consideration of bids received November 14th for surfacing and resurfacing certain roads.

The City Manager reported that after due advertisement bids had been received for surfacing and resurfacing certain roads as follows:

Warren Brothers Company	Asheville Paving Company	Driveways, Inc.	B & B Paving Co.
$101,165.00	$90,447.00	$93,175.00	$112,391.00

and recommended that the bid be awarded to the lowest bidder, Asheville Paving Company.

Councilman Crouch so moved, which motion was seconded by Councilman Colton and unanimously adopted.

STATE HIGHWAY COMMISSION - AGREEMENT

12. Consideration of Resolution 69-6 authorizing the Mayor to execute a contract with the State Highway Commission for relocation of utilities near I-40.

The following resolution was offered by Councilman Colton and a motion was made by Councilman Colton that it be adopted, this motion was seconded by Councilman Keleher and upon being put to a vote, was unanimously carried;

WHEREAS, the State Highway Commission has prepared and adopted plans to make certain street and highway improvements of a controlled access highway within the City of Asheville consisting of the construction and improvement of Interstate Highway 40, as shown on the plans of Project 8.1909301, Buncombe County; said project having a right of way width as shown on the plans of Project 8.1809301, Buncombe County, as filed with the State Highway Commission in Raleigh, North Carolina; that said project is considered to be a most necessary improvement in the street and highway system within the corporate limits of this Municipality for the promotion of public safety and convenience; and,

WHEREAS, the State Highway Commission and this Municipality have agreed that the corporate limits of this Municipality, as of the date of the awarding of the contract for construction of the above mentioned project are to be used in determining the duties, responsibilities, rights and legal obligations of each party; and,

WHEREAS, in the plans and proposals of said improvement, it is provided that this Municipality cooperate with the State Highway Commission to the extent of:

(1) Exercising any rights which it may have under any franchise to effect the changing, adjust-

HAA 912

or relocating of telephone, telegraph, electric power lines, underground cablds and gas lines or any privately or public owned utilities without expense to the Commission and without cost or obligation to the Commission, shall lay, change, relay, repair and otherwise adjust any municipal owned electric lines, water, sewer, gas or other pipe lines or conduits, and shall make all necessary adjustments to house or lot connections or services lying within the right of way of Project 8.1909301 which are owned by the Municipality or by others. Except the Commission will, in accordance with Section 307-3.3 of the Standard Specifications for Roads and Structures, have vertical adjustments of two feet or less in the existing manholes, valve boxes and meter boxes encountered within the limits of the project, made at its own expense, and the Commission will reimburse the Municipality in accordance with the Municipal Owned U ility Policy of the Commission contained in the official minutes of the July 2, 1964, meeting of the Commission, which policy is incoporated herein by reference.

(2) Entering into an agreement with the State Highway Commission as to establishing and maintaining traffic operating controls for the regulation of movement of traffic on said project.

NOW, THEREFORE, BE IT RESOLVED that Project 8.1909301, Buncombe County, be and it is hereby formally approved by the City Council of the City of Asheville, and that the Mayor and City Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required Agreement between this Municipality and the State Highway Commission.

This resolution was passed and adopted the 20th day of November, 1969.

Complete text of resolution will also be found in Resolution Book 5 at page 399.

CITY CENTER ADVISORY COMMITTEE - RECOMMENDATION

13. Consideration of a report from the City Center Advisory Committee.

Acting on a report of the City Center Advisory Committee the City Manager recommended

1. That the City Center and the Civic Arts Center building projects be immediately merged as follows:

A. Proceeds from the $4,000,000.00 Bond Referendum plus one half of the proceeds of the $1,300,000.00 Bond referendum, less architectural fees for the originally planned Civic Arts Center Building, be used to erect a Combined Facility including renovation and modification of the existing Asheville City Auditorium and to provide a new lobby as presently planned in front of the existing Auditorium. The Combined Facility is to be planned to accommodate as many of the originally planned uses of the City Canter and the Civic Arts Center as are possible and economically feasible except for The Asheville Community and Tanglewood Children's Theatres.

B. The balance of the $1,300,000 B nd Referendum in the amount of approximately $620,000.00 is to be used to erect a theatre, including architectural fees, land acquisition and development costs, etc., on a site to be acquired in as close as possible proximity to the C mbined Facility. The theatre facility is to have a minimum of 375 to 400 initial seating capacity with the expressed intention that it be expandable by use of a balcony or other means, when and if additional funds are available, whereby a 600 to 750 seating capacity could be obtained in the future. The Theatre facility is to include necessary technical and lighting equipment, dressing rooms, work shops and other necessary appurtenances.

2. That the City Manager immediately appoint a representative of the Civic Arts Council to the City Manager's Advisory Committee, acceptable to said committee.

3. That the City Manager immediately appoint a building sub-committee for the Combined Facility, including the Civic Arts Council representative. This committee to immediately begin conferences with the Architects in the planning of the Combined Facility with the goal in mind of having all plans and working drawings completed whereby the combined project can be put out to bid on or before December 20th, 1969. This committee is to serve in a strictly advisory capacity with all final decisions resting with the City Council of the City of Asheville as the Council may direct.

4. That the City Manager immediately appoint a Building and Site sub-committee for the Theatre facility, including the Civic Arts Council representative. This committee to immediately begin to locate the best and most suitable available site and recommend the purchase of same to the City Council and also to confer with whatever architectural firm the City of Asheville selects to plan the Theatre facility. The theatre is to be planned within the limits of the available funds, approximately $620,000.00, including land acquisition and development costs, architectural fees, etc. This committee is to have as its goal completion of the Theatre Facility on or before the completion date of the City Center Facility and definitely not more than six to twelve months thereafter. This committee is also to serve in a strictly advisory capacity with all final decisions resting with the City Council of the City of Asheville as the Council may direct.

Councilman Dailey moved that the City Manager be authorized to so proceed, which motion was seconded by Councilman Anderson.

On behalf of the Council, Councilman Crouch thanked the Advisory Committee and Civic Arts Council for all their work done on this project.

Councilman Atkinson spoke in opposition to the location of the City Center .

Mr. Paul Goodman, representing the Chamber of Commerce on the Advisory Committee, spoke in favor of the recommendation.

Following the discussion the motion was adopted with Councilman Atkinson voting no.

CIVIC REDEVELOPMENT PROJECT NO. N. C. R-13 - RESCINDING ORDER TO HOLD PARCEL No. 16, Plat Unit 1

14. The City Manager read a letter from the Civic Arts Center requesting the release of Parcel No. 16, Plat Unit 1 in Civic Redevelopment Project No. N. C. R-13.

Resolution No. 69-7 rescinding order entered on the 26th day of June, 1969 preventing the sale of Parcel No. 16, Plat Unit 1 of the Civic Redevelopment Project No. N. C. 4-13, was, upon motion of Councilman Atkinson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 400.

RIGHT OF WAY DEED TO B. V. HEDRICK GRAVEL AND SAND COMPANY

15. Consideration of Resolution 69-8 authorizing the Mayor to execute a right-of-way easement with B. V. Hedrick Sand Company.

Said resolution was upon motion of Councilman Keleher, seconded by Councilman Crouch, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 401

BUREAU OF OUTDOOR RECREATION - APPLICATION FOR DEVELOPMENT GRANT

16. Consideration of Resolution 69-9 authorizing the signing of an application for a development grant from the Bureau of Outdoor Recreation.

Said resolution was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 402.

STATE HIGHWAY COMMISSION - URGED TO COMPLETE WIDENING HIGHWAY 25 BETWEEN BLUE RIDGE PARKWAY AND AIRPORT ROAD

17. Councilman Colton introduced a resolution urging the North Carolina Highway State Highway Commission to complete the project of widening Highway 25 between the Blue Ridge Parkway and the Airport Road as soon as possible

Said resolution No. 69-10 was, upon motion of Councilman Colton, seconded by Councilman Crouch, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 403.

DUMP - NORTH BEAR CREEK ROAD

18. Mr. Charles Williams of the Health Department gave a report of the progress being made in covering the dump in the vicinity of North Bear Creek Road.

Mrs. Dewey Brown advised she was not satisfied with the progress being made, and the Corporation Counsel was requested to look into the matter to see what can be done.

ZONING - COLEMAN PROPERTY TUNNEL ROAD - PUBLIC HEARING RESCINDED

19. Councilman Anderson discussed the proposed shopping center on the Coleman property on Tunnel Road, and moved that the motion made on November 13th to advertise for a public hearing on the rezoning of this property be rescinded, which motion was seconded by Councilman Colton and unanimously adopted.

BUS SERVICE IN HOMINY AREA

20. Mr. Gary Mason asked the Council for verbal support in an effort to obtain bus service in the Hominy area, and was advised to discuss the matter with the Asheville Transit Authority.

WATER DEPARTMENT - COMPLIMENT

Reverend Peter DeSaix complimented the employees of the Water Department on their handling of a problem for him.

21. Adjournment until December 4, 1969.

MAYOR Wayne Montgomery, MD

CITY CLERK Margaret Simmons

Regular meeting . . . . . Thursday, December 4, 1969 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding, Councilmen Robert P. Crouch, Henry E. Colton, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, and Corporation Counsel J. N. Golding.
Absent: None

1. Approval of minutes of meeting of November 20, 1969.

The minutes were approved as submitted.

ORDINANCE NO. 646 - AMENDMENT TO ZONING ORDINANCE.

2. Public hearing on an ordinance amending the zoning ordinance to add non-profit art museums to RA-8 Residential District.

The City Manager advised that today is the date set for a public hearing, and the Mayor opened said public hearing at 3:07. The public hearing was closed at 3:08.

Ordinance No. 646, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, was unanimously passed on its first reading.

D1B082

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Anderson moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Colton and unanimously adopted.

ORDINANCE NO. 646 - AMENDMENT TO ZONING ORDINANCE

Ordinance #646 was unanimously passed on its second reading.

ORDINANCE NO. 646 - AMENDMENT TOZONING ORDINANCE

Ordinance #646 was unanimously passed on its third and final reading.

PUBLIC HEARING - REZONE LAND OWNED BY ASHEVILLE TRANSIT AUTHORITY

3. Public hearing on an ordinance amending the zoning ordinance to rezone land owned by the Asheville Transit Authority on West Haywood Street at Park Avenue and Jefferson Drive from RA-5 to Industrial.

The City Manager advised that today is the date set for a public hearing, and the Mayor opened the public hearing at 3:13.

Mrs. Agnes Elson, representing residents of West End, presented a petition opposing the rezoning of the property.

The City Manager advised that negotiations are presently under way to try to solve this problem. The Mayor closed the public hearing at 3:18.

Following a discussion, Councilman Atkinson moved that the matter be tabled indefinitely, which motion was seconded by Councilman Anderson and unanimously adopted.

MODEL CITIES COMMISSION - COMMITMENT OF SUPPLEMENTARY FUNDS FOR LAND ACQUISITION

4. Consideration of a resolution from the Model Cities Commission regarding a commitment of supplementary funds for land acquisition.

The City Manager read the resolution of the Model Cities Commission, and presented for consideration of the Council a resolution concurring in Model Cities Commission effort to utilize properties now held for the Asheville Transit Authority.

69-11

Following a discussion said resolution/was upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 404.

ORDINANCE NO. 643 - AN ORDINANCE RESTRICTING PARKING ON CHARLOTTE STREET AND OAK STREET DURING CERTAIN HOURS

5. Third reading of Ordinance 643 restricting parking on Charlotte Street between Edwin Place and Woodfin Street and on Oak Street between College Street and Woodfin Street.

The City Manager read a letter from the Jewish Community Center requesting that they be granted parking privileges at certain times when special events were held at the Center.

Ordinance No. 643 was unanimously passed on its third and final reading.

ORDINANCE NO. 644 - AN ORDINANCE AMENDING SECTION 24-6 OF THE ASHEVILLE CITY CODE TO INCLUDE CERTAIN HIGHWAYS

6. Third reading of Ordinance No. 644 restricting the use of signs on existing limited access roads to include the Expressway Connector to I-40 and the I-40 from U. S. 25 to Azalea.

Ordinance N1. 644 was unanimously passed on its third and final reading.

ORDINANCE NO. 645 - AN ORDINANCE ESTABLISHING SPEED LIMITS ON PATTON AVENUE FROM WESTERN CORPORATE LIMIT TO NC 191

7. Second reading of Ordinance 645 designating speed limits on Patton Avenue from NC 191 to the western corporate limits.

Ordinance No. 645 was unanimously passed on its second reading.

PLAT - T. L. McCURRY SUBDIVISION - APPROVED

8. Reading of a letter from the Planning and Zoning Commission recommending approval of the plat of the T. L. McCurry subdivision on Rash Road just north of the Eastern Star Home.

Councilman Crouch moved that the plat be approved under the provisions of Subdivision Ordinance 424, which motion was seconded by Councilman Keleher and unanimously adopted.

PLAT - ROBINSON RIDGE SUBDIVISION - APPROVED

9. Reading of a letter from the Planning and Zoning Commission recommending approval of a plat of Robinson Ridge Subdivision off of Robinson Avenue opposite Carver Avenue.

Councilman Crouch moved that the plat be approved under the provisions of Subdivision Ordinance 424, which motion was seconded by Councilman Dailey and unanimously adopted.

PLAT - CAMELOT SUBDIVISION - APPROVED

10. Reading of a letter from the Planning and Zoning Commission recommending approval of a plat of the Camelot Subdivision No. 1 off the Leicester Highway at Compton Road.

The City Manager read a letter from Cameron Brown Company addressed to the City of Asheville and Imperial Land Company regarding the cost of extension of sewer lines into the Camelot Subdivision No. 1.

Following a discussion Councilman Crouch moved that the plat be approved under the provisions of Subsivision Ordinance 424, which motion was seconded by Councilman Colton and unanimously adopted.

BIDS - NEW TIRES AND TUBES AND RECAPPING OLD TIRES

11. Consideration of bids received November 19th for purchase of new tires and tubes and recapping of old tires.

The City Manager reported that after due advertisement bids had been received for the purchase of new tires and tubes and recapping of old tires.

Five bids were received for 490 passenger tires, the low bid being Hughes Tire Distributors at $9,316.24.

Five bids were received for 8 passenger mud and snow tires, the low bid being Hughes Tire Distributors at $114.30.

Five bids were received for 194 truck tires, the low bid being Hughes Tire Distributors at $6,290.40.

175

Five bids were received for/mud and snow truck tires, the low bid being B. F. Goodrich Co. at $9,465.09.

Five bids were received for 344 tubes for passenger cars, the low bid being Free Tire & Appliance Co. at $458.64.

Five bids were received for 429 truck tubes, the low bid being Sultan of Tires-Carolina Tire Co. at $1,848.16

Six bids were received for recapping, the low bid being Sultan of Tires-Carolina Tire Co. at $8.500.44

and recommended that the bid be awarded to the lowest bidder.

Councilman Crouch moved that the bid be so awarded, which motion was seconded by Councilman Keleher and unanimously adopted.

LAKE JULIAN ACTIVITY FEES FOR USE OF FACILITIES

12. Consideration of a resolution amending activity fees at Lake Julian.

No. 69-12

Said resolution/was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 405.

MUNICIPAL GOLF COURSE - RESOLUTION SETTING FEES

13. Consideration of a resolution setting fees at Municipal Golf Course.

There was a discussion concerning the issuance of passes, and Councilman Crouch suggested that the City Manager procure some statistical information on this and report back to the Council.

No. 69-13

Said resolution/was, upon motion of Councilman Anderson, seconded by CouncilmanA tkinson unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 406.

ORDINANCE AMENDING BUDGET ORDINANCE

14. Consideration of an ordinance amending the budget ordinance for the fiscal year 1969-70.

Ordinance No. 647, being "AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR 1969-70", was unanimously passed on its first reading.

ORDINANCE NO. 648 - SPEED LIMITS IN THE AREAS OF CERTAIN PRIVATE SCHOOLS

15. Consideration of an ordinance designating speed limits in the areas of certain private schools.

Ordinance No. 648, being "AN ORDINANCE ESTABLISHING SPEED LIMITS FOR THE ST. JOAN OF ARC School, ST. EUGENES CATHOLIC SCHOOL, ST. GENEVIEVES OF THE PINES SCHOOL AND ASHEVILLE CATHOLIC HIGH SCHOOL" was passed on its first reading.

DDB082

CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL - APPOINTMENT OF MEMBER (Richard P. Hendon)

16. Councilman Anderson introduced a resolution appointing member of the City of Asheville Board of Alcoholic Control, which was seconded by Councilman Atkinson.

Councilman Dailey moved that R. C. Robinson be named on said Board. There was no second to the motion.

Upon a vote being taken Resolution 69-14 was adopted by a vote of 6 to 1, with Councilman Dailey dissenting.

Complete text of resolution will be found in Resolution Book #5 at page 407.

SEWAGE PROBLEM - HAMILTON STREET

17. Councilman Dailey reported a sewage problem at #45 Hamilton Street.

RETARDED CHILDREN WEEK

18. The Mayor proclaimed the week of December 7-13th as Retarded Children week.

COUNCIL MEETING - HIGH SCHOOL

19. Councilman Atkinson suggested that the Council hold one of its regular meetings in the auditorium of the Asheville High School.

20. Adjournment.

W S Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

Regular Meeting Thursday, December 11, 1969 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Robert P. Crouch, Henry E. Colton, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: None

1. Approval of minutes of meeting of December 4, 1969.

The minutes were approved as submitted.

ORDINANCE NO. 649 - AMENDMENT TO ZONING ORDINANCE

2. Public hearing on an ordinance amending the zoning ordinance to rezone the property of Mr. and Mrs. B. Fletcher Carter and others lying off Fairview Road between Stevens Street and Wilmington Road from RA-6 and Commercial District to Neighborhood Trading Area.

The City Manager announced that today is the date set for the public hearing, and the Mayor opened the public hearing at 3:03. The Public hearing was closed at 3:05.

Ordinance No. 649, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', as AMENDED", was unanimously passed on its first reading.

ORDINANCE NO. 650 - AMENDMENT TO ZONING ORDINANCE

3. Public hearing on an ordinance amending the zoning ordinance to rezone the property of Mr. Murray Chidester at 77, 81 and 82 E. Chestnut Street from RA-M to Neighborhood Trading Area.

The City Manager announced that today is the date set for the public hearing, and the Mayor opened the public hearing at 3:08.

Mr. Murray Chidester spoke in favor of said rezoning.

The Mayor closed the public hearing at 3:11.

Ordinance No. 650, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was unanimously passed on its first reading.

SITE PLAN - A-Z RENTAL AND NATIONWIDE INSURANCE COMPANY

4. Public hearing on the site plan of the A-Z Rental Center and Nationwide Insurance Company property located off US 19-23 at Laurel Loop and Wilshire Park Subdivision.

The City Manager advised that today is the date set for the public hearing, and the Mayor opened the public hearing at 3:12. The Mayor closed the public hearing at 3:16.

Following a discussion Councilman Dailey moved that said site plan be approved, which motion was seconded by Councilman Atkinson and unanimously adopted.

DIRECTOR OF FINANCE - APPOINTMENT OF ERNEST WARD

The City Manager advised the Council that effective February 1st he was appointing Mr. Ernest Ward as Director of Finance, and read from the City Charter the duties of said Director.

Councilman Atkinson stated that this was a fine step and would improve the accounting system of the city and complimented Mr. Ward on his ability and qualifications, which statement was concurred in by other members of the Council.

Councilman Dailey suggested that a local man be selected to fill Mr. Ward's position in the Water Department.

DDB082

Mr. Ward thanked the Council and assured them he would do his best in performing the duties of Director of Finance.

ORDINANCE NO. 645 - DESIGNATING SPEED LIMITS ON PATTON AVENUE FROM NC 191 TO WESTERN CORPORATE LIMITS

6. Third reading of Ordinance 645 designating speed limits on Patton Avenue from NC 191 to the western corporate limits.

Said ordinance was unanimously passed on its third and final reading.

ORDINANCE #647 - AMENDING BUDGET ORDINANCE

7. Second reading of Ordinance #647 amending the budget ordinance for fiscal year 1969-70.

Said ordinance was unanimously passed on its second reading.

ORDINANCE NO. 648 - DESIGNATING SPEED LIMITS IN AREAS OF CERTAIN PRIVATE SCHOOLS

8. Second reading of Ordinance 648 designating speed limits in the areas of certain private schools.

Said ordinance was unanimously passed on its second reading.

TRANSIT AUTHORITY RESOLUTION COMMENDING NORMAN SULTAN

9. Discussion of a resolution from the Asheville Transit Authority.

The City Manager read a resolution of the Asheville Transit Authority commending Mr. Norman Sultan for his work as a member of said Authority.

Councilman Crouch moved that the City Council express appreciation to Mr. Sultan and the other Transit Authority members for work performed as members of said Authority, which motion was seconded by Councilman Keleher and unanimously adopted.

ASHEVILLE TRANSIT AUTHORITY - APPOINTMENT OF MEMBER (ROBERT C. ROBINSON

10. Consideration of a resolution appointing a member to the Asheville Transit Authority to fill the unexpired term of Mr. Norman Sultan.

Said resolution No. 69-15 was, upon motion of Councilman Dailey, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 408.

ADVISORY BOARD FOR ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL - RESOLUTION APPOINTING MEMBER (Mrs. Jack Cole)

11. Consideration of a resolution appointing a member to the Asheville-Buncombe County Youth Council.

Said Resolution No. 69-16, was, upon motion of Councilman Keleher, seconded by Councilman Crouch, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 409.

STATE HIGHWAY COMMISSION - URGED TO SAVE TREES IN PROJECT 9.7130203

12. Consideration of a letter from the Keep Asheville Beautiful Committee regarding preliminary design of North Carolina Highway Commission Project 9.7130203 from Wembley to Newbridge.

Mrs. Suzanne Peake, Chairman of the Keep Asheville Beautiful Committee, read a letter urging the Council to express support for saving the sycamore trees involved in State Highway Project 9.7130203 designated as that portion from Wembley Road to Newbridge.

Councilman Crouch moved that a letter be written the State Highway Commission, the District Engineer, the Division Engineer and the Advance Planning Department urging them to save the said trees, which motion was seconded by Councilman Keleher and unanimously adopted.

The Mayor appointed General Anderson, Mrs. Peake and Mr. Philip C. Cocke as a committee to discuss this matter with the State Highway Commission.

ASHEVILLE CIVIC CENTER

13. Consideration of a recommendation from the City Center Advisory Committee regarding naming the City Center - Civic Arts Complex.

The City Manager advised that the City Center Advisory Committee recommends the adoption of the name Asheville Civic Center.

Following a discussion, Councilman Dailey moved that this name be adopted, which motion was seconded by Councilman Anderson and unanimously adopted.

BIDS - AUTOMOBILES FOR ASHEVILLE TRANSIT AUTHORITY

14. Consideration of bids received December 1st for automobiles for the Asheville Transit Authority.

The City Manager advised that after due advertisement bids had been received for two automobiles for the Asheville Transit Authority:

Matthews Motors, Inc.	Parkland Chevrolet Co.
5,646.00	$5,508.94

and recommended that the bid be awarded the low bidder, Parkland Chevrolet Co. for $5,508.94.

Councilman Atkinson moved that the bid be so awarded, which motion was seconded by Councilman Anderson and unanimously adopted.

BIDS - PIPE, FITTINGS, VALVE SLEEVES, FIRE HYDRANTS, ETC.

14. Consideration of bids received November 26th for pipe fittings, valve sleeves, tapping sleeves, and valves, fire hydrants, etc.

The City Manager advised that after due advertisement bids had been received for pipe fittings, valve sleeves, tapppng sleeves and valves, fire hydrants, etc. for one year's operation of the Water Department:

Pipe Sizes 4"- 12"	Award recommended Lynchburg Foundry Co. $64,540.00
Pipe Sizes 14" & 16"	Award recommended Lynchburg Foundry Co. $25,480.00
Fittings Sizes 6"-16"	Award recommended Southern Meter & Supply Co. $7,572.53
Gate Valves Sizes 4"-12"	Award recommended M & H Valve & Fittings Co. $9,056.75
Tapping Sleeves and Valves	Award recommended Silverman Company $4,382.08
Fire Hydrants	Award recommended M & H. Valve & Fittings Co. $13,992.50
Misc. Tapping Sleeves and Valves Caulk	Award recommended Grinnell Co. $1,373.56
Misc. Sleeves 6"-18" Caulk	Award recommended Lynchburg Foundry Co. $930.70

Councilman Crouch moved that the bids be awarded as recommended by Mr. Buirgy, which motion was seconded by Councilman Colton and unanimously adopted.

T. O. YOUNGBLOOD LEASE HOUSING PROJECT - FINAL PLAT - APPROVED

5. Consideration of a letter from the Planning and Zoning Commission recommending approval of the final plat of the T. O. Youngblood Lease Housing Project at Sterling Street, Roebling Circle and St. Dunstan's Road.

The City Manager read the letter from the Director of Planning, and letters from the Corporation Counsel, T. O. Youngblood, Philip C. Cocke, Jr. and W. O. Moore regarding this matter.

Councilman Dailey moved that the plat be approved under the provisions of Ordinance 424, which motion was seconded by Councilman Colton

There was a discussion of the matter by Council members.

Speaking in opposition to the approval of the plat were Dr. Richard Nailling, Rev. Wesley Grant, Otis E. Dunn, Ralph Campbell, Mrs. Roy Rogers, Rev. Williams, Cecil Jackson.

Speaking for the approval of the plat were W. O. Moore and T. O. Youngblood.

Following the discussion a vote was taken on the motion and it was passed 7 to 2 with Councilman Anderson and Atkinson dissenting.

CLEAN-UP - DISCUSSION

15. Councilman Keleher brought up the matter of the clean-up service and the need for more coordination.

The City Manager advised that this matter is now being handled by areas instead of individual calls.

SUNDAY CLOSING

Councilman Atkinson asked if the Council could make any change in the Sunday closing ordinance, and the Corporation Counsel was requested to look into this matter.

COUNCIL MEETING

The City Manager suggested because of the New Year Holiday the Council hold a meeting on Wednesday, December 31st.

CIVIC CENTER ADVISORY COMMITTEE - MEETING

The City Council was invited to attend a meeting of the Civic Center Advisory Committee on December 17th at 7:30.

16. Adjournment.

MAYOR

CITY CLERK

Regular Meeting Thursday, December 18, 1969 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding and City Clerk Margaret Simmons.

Absent: Councilman Robert E. Crouch

DDBO82

1. Approval of minutes of meeting of December 11, 1969.

The minutes were approved as submitted.

ORDINANCE NO. 647 - AMENDING BUDGET ORDINANCE

2. Third reading of Ordinance #647 amending the budget ordinance for fiscal year 1969-70.

Said ordinance was unanimously passed on its third and final reading

ORDINANCE NO. 648 - Designating SPEED LIMITS IN AREAS OF CERTAIN PRIVATE SCHOOLS

3. Third reading of Ordinance #648 designating speed limits in the areas of certain private schools.

Said ordinance was unanimously passed on its third and final reading.

ORDINANCE #649 - AMENDMENT TO ZONING ORDINANCE

4. Second reading of Ordinance #649 amending the zoning ordinance to rezone the property of Mr. and Mrs. B. Fletcher Carter and others lying off Fairview Road between Stevens Street and Wilmington Road from RA-6 and Commercial District to Neighborhood Trading Area.

Said ordinance was unanimously passed on its second reading.

ORDINANCE #650 - AMEMDNEMT TO ZONING ORDINANCE

5. Second reading of Ordinance #650 amending the zoning ordinance to rezone the property of Mr. Murray Chidester at 77, 81 and 82 E. Chestnut Street from RA-M to Neighborhood Trading Area.

Said ordinance was unanimously passed on its second reading.

BIDS - DATA PROCESSING SERVICES FOR WATER DEPARTMENT BILLING

6. Consideration of bids received December 8, 1969 for data processing services for water billing.

The City Manager advised that after due advertisement bids had been received for data processing services for water billing:

	Hadley, Inc.	T. C. Smith Drug Co.	Grace Computer Service	Computer Service Center	National Cash Register
Item 1.	$6,500.00	$5,895.00	$6,600.00	$3,100.00	$3,100.00
Item 2.	$2,500.00	$4,347.00	$14,400.00	750.00	200.00
Item 3.	$$061 $1,891.00 per month On $31M bills per month $37,365.00	$.063 $1,953.00 per month On 31M bills per month $39,537.00	$.11 $3,410.00 per month 31M bills per month $55,000.00	$.11 $3,410.00 per month 31M bills per month $55,000.00	$.10 base charge plus city furnishing forms $3,100 per month on 31 M bills - plus forms $49,800.00
Alternate 1.	$0.46 $1,426.00 per month	$.057 $1,757.00 per month		$.10 $3,100.00 per month	
Alternate 2.	$.059 $1,829.00 per month	$.0585 $1,813.50 per month		$.1067 $3,310.00 per month	
Alternate 3	$.044 $1,364.00 per month	$.0525 $1,627.50 per month	$.195 $6,045.00 per month	$0.97 $3,000.00 per month	
Totalcost for 15 months contract period	$29,460.00	$34,654.50	$111,675.00	$49,850.00	

Mr. Ernest Ward recommended that the bid of Hadley, Inc. be accepted with an option to go to Alternate 3 on December 31, 1970.

Councilman Anderson moved that the recommendation of Mr. Ward be approved, which motion was seconded by Councilman Keleher and unanimously adopted.

COMMUNICATIONS - PROPOSAL OF STANFORD SMITH

7. Consideration of a proposal by Mr. Stanford Smith for joint communication between city and county.

The City Manager advised that a proposal had been received from Mr. Stanford Smith to make a study of consolidating radio communications of the city and county at a price of $4800.00, and that the County Commissioners had agreed to pay one-half of this amount, the city to pay the other half from its contingent account, but that it might be possible to get funds from the Upper French Broad Law Enforcement Group.

Councilman Dailey moved that the City Manager look into this matter and proceed with said study, which motion was seconded by Councilman Colton and unanimously adopted.

SITE PLAN - ASHEVILLE MALL - PUBLIC HEARING SET

8. Consideration of a letter from the Planning and Zoning Commission recommending approval of a site plan of the Asheville Mall (R. L. Coleman property) off Tunnel Road.

Councilman Keleher moved that a public hearing be authorized after due advertisement at petitioner's

expense for Thursday, January 15th, which motion was seconded by Councilman Anderson and unanimously adopted.

CIVIC CENTER ADVISORY COMMITTEE - RECOMMENDATION

9. Consideration of a recommendation of the Civic Center Advisory Committee concerning invitation for bids for the Asheville Civic Center.

Mr. Terrell of the Committee requested the Council to advertise for bids as soon as architects think feasible.

Councilman Anderson moved that the recommendations of the Civic Center Advisory Committee be accepted, and that the architects be instructed to release working drawings, plans and specifications at the earliest practicable date for competitive bids, as required by the General Statutes, which motion was seconded by Councilman Dailey and unanimously adopted.

WORKABLE PROGRAM AND HOUSING ELEMENT - REQUEST FOR RECERTIFICATION

10. Consideration of the Workable Program and Housing Element.

Mr. Cunningham of the Planning Department spoke concerning the Workable Program and explained the recertification process.

Councilman Atkinson moved that the Council authorize submission of the Workable Program and Housing Element to HUD for recertification, which motion was seconded by Councilman Dailey and unanimously adopted.

REDEVELOPMENT COMMISSION - AMENDMENT #3 to CIVIC REDEVELOPMENT PROJECT N. C. R-13 - APPROVED

11. Consideration for passage of a resolution authorizing the Redeveloement Commission of the City of Asheville to submit an application for Amendment #3 of the Civic Redevelopment Project N. C. $-13 to HUD.

The City Manager recommended that the Council consider approval of Amendment #3 to the Civic Redevelopment Project N. C. R-13, and Mr. Johnson pointed out on a map the changes involved.

Councilman Atkinson moved that the City Manager be authorized to submit letter of endorsement, whcih motion was seconded by Councilman Dailey and unanimously adopted.

REDEVELOOMENT COMMISSION - AUTHORIZED TO SELL PARCEL #23 of CIVIC REDEVELOPMENT PROJECT N. C. R-13 to BANK OF ASHEVILLE

12. Consideration for the Redevelopment Commission of the City of Asheville to sell Parcel #23 of the Civic Redevelopment Project N. C. R-13 to the Bank of Asheville.

Mr. Johnson asked Council approval to accept a bid from the Bank of Asheville for $16,000, and the City Manager read Resolution No. 69-17 granting said approval.

Following a discussion, Resolution No. 69-17 was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 410.

SERVICE PINS

13. Presentation by Mayor Montgomery of service pin awards to employees rendering more than thirty years service to the City of Asheville.

Mayor Montgomery presented service pins to city employees as follows: For thirty years service: Katherine Case, Fayne W. Bradley, Robert M. Reese, William C. Henderson; for thirty-five years service: Margaret Simmons, Mary Eudy, Dixie Messer, W. A. Bostic, Jr.; and for forty years service: Leonard Johnson, Chief R. L. Smith and J. L. Dalton.

BUS STOPS

Councilman Dailey brought up the matter of bus stops not being properly marked, and asked that the City Manager look into this matter.

PARKING - WEST ASHEVILLE

Councilman Atkinson discussed the parking problem in West Asheville, and asked that the City Manager look into the feasibility of city operated lots in this area.

DIRT FROM INTERSTATES AND BEAUCATCHER TUNNEL - USE OF FOR RECREATION AREAS OR PARKING

Mayor Montgomery suggested that contractors on the I-40 project from Biltmore to Azalea and later those for the Beaucatcher Tunnel be contacted to see if the huge volumes of fill dirt removed might be used to fill ravines and gullies into recrdation or parking areas.

The City Manager advised that the City Engineer and Mr. Nick Kamecza would look into the feasibility of this.

DEVELOPMENT PROGRAM - DISCUSSION

At the request of Councilman Colton, Mayor Montgomery reviewed the accomplishments of the annual Community Development Contest among nearly 100 Western North Carolina communities, and expressed the desire that the City of Asheville have a similar program.

Councilman Dailey advised that there are neighborhood and black clubs throughout the city.

The Mayor appointed Councilmen Dailey and Keleher to confer with Mr. McGough of the Asheville Agricultural Development Council and Mrs. Peake of the Keep Asheville Beautiful Committee in an

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effort to explore ways to adapt the rural development program to Asheville's situation, suggesting that the committee with Mrs. Keleher as chairman, might be able to come back to the council perhaps by the end of January, with something which might be a framework in which Asheville might work toward community development.

SOUTH GROVE STREET - PARKED CAR

Miss Peggy Logan complained of a car being parked near 159 S. Grove Street, and the Chief of Police was requested to make an investigation of this matter.

MOUNTAIN STREET - RUBBISH

Mr. Lloyd McCord complained of a rubbish heap on Mountain Street, and the Council agreed to inspect this situation.

COUNCIL MEETING

Due to the New Year holiday, the City Manager suggested that the next meeting of the City Council be held on Wednesday, December 31st, and Councilman Anderson so moved, which motion was seconded by Councilman Atkinson and unanimously adopted.

14. Adjournment until December 31, 1969.

W. Stanton Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

Regular Meeting — Wednesday, December 31, 1969 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding and City Clerk Margaret Simmons.

Absent: None.

1. Approval of minutes of meeting of December 18, 1969.

The minutes were approved as submitted.

ORDINANCE #649 - AMENDMENT TO ZONING ORDINANCE

2. Third reading of Ordinance #649 amending the zoning ordinance to rezone the property of Mr. and Mrs. B. Fletcher Carter and others lying off Fairview Road between Stevens Street and Wilmington Road from RA-6 and Commercial District to Neighborhood Trading Area.

Said ordinance was unanimously passed on its third and final reading.

ORDINANCE #650 - AMENDMENT TO ZONING ORDINANCE

3. Third reading of Ordinance #650 amending the zoning ordinance to rezone the property of Mr. Murray Chidester at 77, 81 and 82 East Chestnut Street from RA-M to Neighborhood Trading Area.

Said ordinance was unanimously passed on its third and final reading.

CAROLINA POWER & LIGHT COMPANY - AGREEMENT FOR ELECTRIC SERVICE TO WATER PUMPING STATION ON HIGHWAY 25A

4. Consideration of a resolution authorizing the Mayor to enter into an agreement with Carolina Power & Light Company to provide electric service to the City of Asheville water pumping station on Highway 25A.

Said resolution No. 69-18 was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 411.

ASHEVILLE-HENDERSONVILLE AIRPORT - LEASE PROPOSAL

5. Discussion of the possibility of leasing the old Asheville-Hendersonville Airport on a short term for the purpose of supervised drag racing.

The City Manager advised that Mr. DeLia offered a proposal to the City of Asheville and County of Henderson to lease on a seven day walk-away agreement, so that the contract with the promoter could be cancelled if industry were interested in buying the tract, the property at the old Asheville-Hendersonville Airport for the purpose of supervised drag racing on a fifty-fifty basis between the owners and the promoter, the fifty per cent to the owners to be divided between the County of Henderson and the City of Asheville on a pro rata basis on the land owned by each; that the promoter would comply with all safety standards of the National Drag Racing Association, and would pay for all improvements. The City Manager further advised that the Chamber of Commerce had recommended that the Council consider such a lease. The City Manager suggested if such lease is entered into the promoter be required to hold the County of Henderson and City of Asheville harmless from any liability.

Following a discussion, Councilman Anderson moved that the City Manager contact the County of Henderson and proceed with the negotiations for such a lease, which motion was seconded by Councilman Atkinson and unanimously adopted.

CLAIM FOR DAMAGES - WILLIE MAY LANCE

6. Notice of action for damages against the City of Asheville from Willie May Lance.

Willie May Lance, through her attorneys, filed a notice of action for damages against the City of Asheville in the amount of $30,000.00.

Councilman Dailey moved that this claim be referred to the Corporation Counsel, which motion was seconded by Councilman Anderson and unanimously adopted.

MENTAL HEALTH CENTER - REQUEST TO UTILIZE TWO ROOMS ON SIXTH FLOOR OF CITY HALL

7. Consideration of a request from the Mental Health Center to utilize two unused rooms on the sixth floor of the City Building for a play therapy program.

The City Manager advised that such a letter of request had been received, and that the city has no immediate plans for the use of this space.

Following a discussion, Councilman Keleher moved that the Council allow the Mental Health Center to utilize two rooms on the sixth floor of the City Building for the period of time between now and when said Center will move into its new facility with the Health Center to pay for the expense of any improvements, and if the City finds it necessary to use these rooms it can take them back and pay the Health Center the proportionate part of the cost of any improvements, the City Manager to look into the matter of liability insurance, which motion was seconded by Councilman Dailey and unanimously adopted.

QUIT-CLAIM DEED - AILEEN LIPSCOMBE

8. Consideration of a resolution authorizing Mayor and City Clerk to execute a quitclaim deed to Aileen Lipscombe, widow.

Resolution No. 69-19 was, upon motion of Councilman Dailey, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 412.

BIDS - CHEMICALS FOR WATER TREATMENT

9. Consideration of bids received December 22nd for chemicals for water treatment for calendar year 1970.

The City Manager advised that after due advertisement bids had been received for chlorine, calgon, caustic soda and fluoride as follows:

	Calgon Corporation	Ticar Chemical Co.	Burris Chemical Co.	Norland Chemicals	FMC Corporation
Chlorine		$12,000.00	$12,000.00	$12,000.00	
Calgon	$13,712.50	$13,425.00	$13,425.00		$13,387.50
Costic Soda		$6,480.00	$6,480.00	$6,480.00	
Fluoride			$12,315.00	$12,315.00	
Total	$13,712.50	$31,905.00	$44,220.00	$30,795.00	$13,387.50

and recommended that the bid of Ticar Chemical Co. be accepted for the Chlorine, Calgon and Caustic Soda and the bid of Morland Chemicals be accepted for the fluoride.

Councilman Anderson moved that the recommendation of the City Manager be approved, which motion was seconded by Councilman Keleher and unanimously adopted.

SUNDAY OBSERVANCE LAW - DISCUSSION

10. Discussion of the legal aspects of the Sunday Observance law with Corporation Counsel.

The Corporation Counsel advised that Ordinance #526 was passed on motion of a previous Council and said ordinance was thereafter submitted to the voters, so that Section 83 of the Charter would not apply, and the City Council can amend or repeal the existing ordinance, await a court decision, or advertise once a week for four successive weeks for a public hearing on the matter.

In answer to a question the Corporation Counsel stated he surmised that the law would be held unconstitutional.

The City Manager advised that he had concurred with the Chief of Police in suspending enforcement of the law until the courts have made a decision.

Following a discussion Councilman Anderson moved that the Corporation Counsel be directed to prepare an ordinance repealing Ordinance #526 and have it ready for the next meeting of the Council, which motion was seconded by Councilman Colton.

Rev. Nane Starnes spoke in favor of keeping the ordinance in effect; and Mr. Russ Offhaus, Rev. Herman Davis and Mr. Robert Beck spoke for the repeal of the ordinance.

A vote was then taken on the motion and it passed 5 to 1 with Councilman Crouch being absent and Mayor Montgomery dissenting.

BLUE JAY KNITTING MILLS AND VANDERBILT SHIRT COMPANY - INSTALLATION OF FIRE ALARM SYSTEM

11. Consider ation of a resolution authorizing the Mayor to execute agreement with Blue Jay Knitting Mills and Vanderbilt Shirt Co. regarding fire alarm connections.

The City Manager advised that said companies would pay for the cost of installing the fire alarm connections, but may recover part of their costs if other users tap on to the system later.

Resolution No.69-20 was, upon motion of Councilman Colton, seconded by Councilman Keleher,

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unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 413.

PARKING - WEST ASHEVILLE - REPORT OF CITY MANAGER

The City Manager reported in regard to parking in West Asheville that motorcycles are now available to enforce parking requirements, which should prohibit all day use of city streets and improve the parking situation.

MR. BLEDSOE

Councilman Dailey introduced a visitor, Mr. Bledsoe of the Civil Rights Council of the State of Michigan.

CITY TAGS - DISCUSSION

Councilman Atkinson discussed the need for retaining the $1.00 automobile city tag, and the City Manager advised that the repayment of the bus bonds is predicated on the over-all revenue of the Transit Authority, and if the tag money is not diverted to the Transit Authority it would require an additional penny for debt service to pay off the bonds.

12. Adjournment.

W S Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

Regular meeting Thursday, January 8, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding and City Clerk Margaret Simmons.

Absent: None

1. Approval of the minutes of the meeting of December 31, 1969.

The minutes were approved as submitted.

AN ORDINANCE REPEALING SECTION 18-19 OF THE ASHEVILLE CODE OF ORDINANCES (ORDINANCE NO. 526)

2. Consideration of an ordinance repealing Ordinance #526 known as the Sunday Observance law.

Ordinance No. 651, being "AN ORDINANCE REPEALING SECTION 18-19 of the Asheville Code of Ordinances (Ordinance No. 526), was introduced by Councilman Anderson, and seconded by Councilman Dailey.

Those speaking in favor of Ordinance No. 651 were Dr. L. C. Waller, Gary Sluder, Rev. A. J. Skinder, Mr. Jerry Sternberg, Mr. Charles Smith, Rev. Pete DeSaix, and Rev. Ervin Davis.

Those speaking in opposition to Ordinance No. 651 were Mr. Walter Hutchison, who favored a revision of the present law, and Rev. C. R. Pierce.

Councilman Crouch then moved that Ordinance #651 be tabled until a court decision is reached, which motion was seconded by Mayor Montgomery.

A vote was taken on the motion and it was defeated 5 to 2, with CouncilmanCrouch and Mayor Montgomery voting in favor of the motion and Councilmen Colton, Dailey, Keleher, Anderson and Atkinson voting against the motion.

The members of the Council discussed the Ordinance, following which a vote was taken and the ordinance was passed on its first reading by a vote of 5 to 2, with Councilmen Colton, Keleher, Anderson, Dailey and Atkinson voting in favor of the ordinance, and Councilman Crouch and Mayor Montgomery dissenting.

CAROLINA POWER & LIGHT COMPANY - RIGHT-OF-WAY AGREEMENT

3. Consideration of a right-of-way agreement between Carolina Power & Light Company and the City of Asheville concerning property at the Recreation Park.

Following a discussion, Resolution No. 70-1 was upon motion of Councilman Keleher, seconded by Councilman Crouch, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 414.

BOARD OF ELECTRICAL EXAMINERS - APPOINTMENT OF MEMBER (Gene Blackwell)

4. Consideration of a resolution appointing a member of the Board of Electrical Examiners.

Resolution No. 70-2 was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 415.

ASHEVILLE TRANSIT AUTHORITY - APPOINTMENT OF MEMBER (J. Nick Davis)

5. Consideration of a resolution appointing a member of the Asheville Transit Authority.

Councilman Colton introduced Resolution No. 70-3, which was seconded by Councilman Crouch.

Councilman Atkinson put in nomination the name of John Fisher to fill the vacancy on the Transit Authority, which motion was seconded by Councilman Dailey.

Following a discussion a vote was taken on the motion and it was defeated by a vote of 5 to 2, with Councilmen Atkinson and Dailey voting in favor of the motion, and Councilman Crouch, Colton, Keleher, Anderson and Mayor Montgomery voting against the motion.

A vote was then taken on Resolution No. 70-3 and it was passed by a vote of 5 to 2, with Councilmen Crouch, Colton, Keleher, Anderson and Mayor Montgomery voting in favor of said resolution, and Councilmen Atkinson and Dailey voting against said resolution.

CITY MANAGER - REPORT ON SCHOOL RECENTLY ATTENDED

The City Manager gave a brief report on a school he recently attended at the University of Georgia conducted by the International City Management Association and Brookings Institute at which Alternative Future of American Cities was discussed.

SWITCHBOARD SERVICE - EMERGENCY

Councilman Atkinson brought up the matter of switchboard emergency service, and was advised that there was a line open at all times to the shop on Valley Street. during the recent snow emergency.

SNOW REMOVAL

Councilman Colton discussed the matter of snow removal, and was advised by the Corporation Counsel that owners of businesses are required to keep their sidewalks clear at all times.

CITY COUNCIL

Mr. Carl Noblett complimented the City Council on the work they have accomplished.

ASHEVILLE-HENDERSONVILLE AIRPORT - OBJECTION TO DRAG RACING

Mr. George Jarvis, representing the Fletcher Men's Club, the Hooper's Creek Men's Club and several churches in the area presented petitions and letters objecting to the use of the Asheville-Hendersonville Airport for drag racing, and was requested to return when this matter comes up for a decision.

Adjournment.

W S Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

Regular Meeting Thursday, January 15, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, Corporation Counsel J. N. Golding and City Clerk Margaret Simmons.

Absent: None

1. Approval of the minutes of January 8, 1970.

The minutes were approved as submitted.

ASHEVILLE MALL - SITE PLAN - APPROVED

2. Public hearing on the site plan of the Asheville Mall (R. L. Coleman property) off Tunnel Road beyond the intersection of US 70 and US 74.

The Mayor opened the public hearing at 3:05.

Mr. Ward Hendon, representing R. L. Coleman, spoke in favor of said site plan.

Mr. Rene Pieters, representing citizens in the community, proposed a six foot chain-link fence along the buffer zone, that the rear property line closest to the shopping center be straightened, that there be no connection between the site and White Pine Drive, and that they have protection from Rocks, noise and rats that might result from the excavation.

Other speakers were Mr. Earl Richey, Mrs. Alice Chermak, Mrs. Howe, and Mrs. Middleton.

The public hearing was closed at 3:45.

Following a discussion, Councilman Anderson moved that the site plan be approved subject to occupancy after completion depending upon complete adherence to plan as approved, which motion was seconded by Councilman Atkinson and unanimously adopted.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lots 2 and 9, Ward 7, Sheet 11, Mrs. Evelyn K. Ness)

3. Reading of a letter from the Planning and Zoning Commission recommending the rezoning of the property of Mrs. Evelyn K. Ness off the north side of Fairview Road between Stoner Road and Fairview Road from Industrial District to RA-6 Residential District.

Councilman Colton stated he opposed the rezoning of this property.

Following a discussion, Councilman Crouch moved that a public hearing be advertised at petitioner's expense, which motion was seconded by Councilman Keleher, and adopted by a vote of 6 to 1, with Councilmen Crouch, Keleher, Anderson, Dailey, Atkinson and Mayor Montgomery voting in favor of said motion and Councilman Colton dissenting.

ORDINANCE NO. 651 - AN ORDINANCE REPEALING SECTION 18-19 OF THE ASHEVILLE CODE OF ORDINANCES (ORDINANCE NO. 526)

4. Second reading of Ordinance #651 repealing Ordinance #526, commonly known as the Sunday Observance Law.

Speaking in opposition to Ordinance #651 were Dr. Cecil Sherman, Rev. Nane Starnes, Mrs. Nell Stroupe, Rev. Wesley Grant, Rev. C. R. Pierce, Mr. Bill D. Horton, Major Herring, Judge Crump, Mr. William C. Chapman, Jr.

Speaking in favor of Ordinance #651 wereMr. Henry Cavatt, Mr. Herman Davisand Mr. Charles Smith.

Following the discussion, said Ordinance #651 was passed on its second reading by a vote of 5 to 2, with Councilmen Colton, Keleher, Anderson, Atkinson, Dailey voting in favor of said Ordinance, and Councilman Crouch and Mayor Montgomery dissenting.

REDEVELOPMENT COMMISSION of THE CITY OF ASHEVILLE - APPOINTMENT OF MEMBER (Jesse Ray)

5. Consideration of a resolution appointing a member to the Redevelopment Commission of the City of Asheville.

Resolution No. 70-4 was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 417.

WESTERN NORTH CAROLINA REGIONAL AIR POLLUTION BOARD - APPOINTMENT OF MEMBER (Lawrence J. Traber)

6. Consideration of a resolution appointing a member to the Western North Carolina Regional Air Pollution Board.

Resolution No. 70-5 was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 418.

BOARD OF TRUSTEES OF FIREMEN'S RELIEF FUND - APPOINTMENT OF MEMBER (John W. Spicer)

7. Consideration of a resolution appointing a member to the Board of Trustees of the Firemen's Relief Fund.

Resolution No. 70-6 was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

Complete text of reslution will be found in Resolution Book #5 at page 419.

BOARD OF DIRECTORS OF THE BUNCOMBE COUNTY PLANNING COUNCIL - APPOINTMENT OF MEMBER (Mrs. Leah Butler)

8. Consideration of a resolution appointing a member to the Board of Directors of the Buncombe County Planning Council.

Resolution No. 70-7 was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 420.

A. M. PULLEN & COMPANY, CERTIFIED PUBLIC ACCOUNTANTS - RECOMMENDATIONS

9. Discussion of a report from the City Manager concerning recommendations made by A. M. Pullen & Company, certified Public Accountants.

Councilman Atkinson stated that A. M. Pullen & Company had made a preliminary audit and certain recommendations, and Mr. Ernest Ward, Director of Finance, advised that the major portion of the recommendations have been implemented and the remaining recommendations are now being studied and are proposed to be implemented in the near future, and that the Department of Finance will be set up by February 1st.

Councilman Dailey moved that the recommendations be adopted, which motion was seconded by Councilman Keleher and unanimously adopted.

ORDINANCE NO. 652 - AN ORDINANCE ESTABLISHING RECONNECTION CHARGES FOR WATER SERVICE

10. Consideration of an Ordinance amending Section 29-32 of the City Code regarding discontinuing service for utility delinquency.

Ordinance No. 652, being "AN ORDINANCE ESTABLISHING RECONNECTION CHARGES FOR WATER SERVICE", was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

COMMENDATION OF AGENCIES AIDING IN RECENT COLD EMERGENCY

Mayor Montgomery stated he again wished to thank Mr. George Gragg, Mr. Ken Michalove, the Rescue Squads, and all others aiding in helping to set up machinery to assist people in the recent cold emergency.

DDB082

SCHOOL DESEGREGATION - PROTEST

Mrs. Dolly Burts presented the position of Livingston and Herring School parents and the respective communities at large with reference to the proposed desegregation plan by the School Board of the City of Asheville.

Other speakers heard in this behalf were Jesse Ray, Jr., Rev. Wesley Grant, Phyllis Sherrill, Carl Johnson, Victor Chalk, Clyde L. Johnson, Clarence Shivers, Leo Gaines, Patricia Weldon, Rev. Otis Dunn, Jesse Ray, Logan Delaney and Mrs. Rowland.

Mayor Montgomery stated that the Council appoints members to the Asheville School Board, but that School Board members have their own legal counsel and administrative staff and the Council does not dictate to them. The Mayor thanked the spokesmen for the information they presented, which will be of value to the Council if called upon to participate in this problem.

Councilman Dailey stated an appeal will be made from the ruling of the School Board, and thanked the citizens for the manner in which they had presented their case.

Adjournment

W. Shaw Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

Regular Meeting — Thursday, January 22, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Robert P. Crouch, Henry E. Colton, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: None

1. Approval of minutes of meeting of January 15, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 651 - AN ORDINANCE REPEALING SECTION 18-19 OF THE ASHEVILLE CODE OF ORDINANCES (Ordinance No. 526)

2. Third reading of Ordinance #651 repealing Ordinance #526, commonly known as the Sunday Observance Law.

The Mayor thanked citizens for writing and calling to express themselves on this matter.

Mr. Jim Bailey, representing a number of retail establishments, spoke in opposition to Ordinance #651, and proposed that the Council defer the third reading of the ordinance pending consideration of a substitute ordinance; that the Corporation Counsel be instructed to draft for Council consideration an ordinance correcting any alleged deficiencies in the present law, but still providing some uniform day of rest in keeping with the will of the voters; and that the Council select a committee to confer with Buncombe County commissioners and officials of municipalities within the county for the purpose of considering the desirability of a county-wide ordinance providing for a uniform day of rest.

Mr. Bert Starnes also spoke in opposition to said Ordinance.

After discussing the matter, Councilman Keleher moved that the ordinance be tabled until a court decision is reached, which motion was seconded by Councilman Colton.

Following a discussion a vote was taken on the motion and it was passed 6 to 1 with Councilmen Colton, Crouch, Keleher, Dailey, Atkinson and Mayor Montgomery voting in favor of the motion, and Councilman Anderson dissenting.

The City Manager stated that as he had previously advised in cooperation with Chief Hall he had ordered enforcement of the ordinance suspended pending a court decision.

Councilman Anderson then moved that the City Manager be instructed to suspend criminal action under the law pending the outcome of the cases before the court. There was no second to the motion.

The Corporation Counsel advised that this could not be done without repealing the law.

The City Manager then advised that he will instruct the Police Chief to investigate citizens' complaints about Sunday sales, but will not instruct police officers to go out seeking violations.

ORDINANCE NO. 652 - AN ORDINANCE ESTABLISHING RECONNECTION CHARGES FOR WATER SERVICE

3. Second reading of Ordinance No. 652 amending Section 29-32 of the City Code regarding discontinuing service for utility delinquency.

Said Ordinance No. 652 was unanimously passed on its second reading.

PAVING AUTHORIZED - BEAVER DRIVE, COURTNEY AVENUE, CRESTWOOD LANE, WEST HAITH DRIVE, PENNSYLVANIA PLACE AND RUSSELL AVENUE

4. Consideration of a resolution designating improvements under Article 9, Chapter 160 of the General Statutes for the paving of Beaver Drive, Courtney Avenue, Crestwood Lane, West Haith Drive, Pennsylvania Place and Russell Avenue.

Resolution No. 70-8 was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 421.

DDB082

PLANNING AND ZONING COMMISSION - RECOMMENDATION (Request of Avon Investment Co., Mary J. Poole and L. O. Huckaby, Inc., by L. D. Rocamora, Agent

5. Reading of a letter from the Planning and Zoning Commission recommending the rezoning of the property of Avon Infestment Company, Mary J. Poole and L. O. Huckaby, Inc. on Merrimon Avenue from RA-6 Residential District to Neighborhood Trading Area.

The City Clerk was instructed to advertise for a public hearing at petitioner's expense.

METROPOLITAN PLANNING BOARD - REQUESTED TO PREPARE COMPREHENSIVE RECREATION PLAN FOR COUNTY OF BUNCOMBE AND CITY OF ASHEVILLE

6. Consideration of a resolution directing the Metropolitan Planning Board to have prepared a comprehensive recreation plan for the County of Buncombe and City of Asheville.

The City Manager explained said resolution, and following a discussion Resolution 70-9 was, upon motion of Councilman Keleher, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Restolution Book #5 at page 422.

DEED - RECREATION PARK SWIMMING POOL - PRESENTED TO CITY BY RECREATION PARK SWIM CLUB

Mr. James Blue, on behalf of the Recreation Park Swim Club, presented a deed to the Recreation Park swimming faccility to the city free of charge, with the hope that this facility can be utilized by this summer.

Councilman Dailey moved that the deed be accepted with thanks to the Jaycees, which motion was seconded by Mayor Montgomery and unanimously adopted.

PROCLAMATION - JAYCEES WEEK

The Mayor read a proclamation proclaiming the week of January 18th through the 24th as JAYCEES WEEK in the City of Asheville.

OLD WEST ASHEVILLE BRIDGE - REQUEST FOR NEW STRUCTURE

Councilman Colton brought up the matter of the old West Asheville bridge being closed by order of the State Highway Commission, and moved that the Council make a formal request to the State Highway Commission that it study the feasibility of replacing this old bridge with a new structure, which motion was seconded by Councilman Atkinson and unanimously adopted.

CRIME LABORATORY PROPOSED

Mr. James W. Adams asked the Council to consider establishing with the county a joint crime laboratory for the purpose of consolidating criminal records and criminal identification.

The City Manager advised that the city was pursuing a joint communications study with the county and that he would instruct our consultants to include consideration of the joint criminal records and criminal identification. The City Manager further advised that he was unable to secure funds from the Upper French Broad Law Enforcement Group to pay for the city's half of this study in the amount of $2400.00, and requested permission to take this amount from the contingency fund.

Councilman Anderson moved that the City Manager be so authorized, which motion was seconded by Councilman Dailey and unanimously adopted.

WATER - FREEZING WATER PIPES - DISCUSSION

Mr. Bill McCanless discussed the recent cold weather and the number of frozen water pipes in the city, requesting that citizens be allowed to run water to keep pipes from freezing without having to pay more than a percentage of the water bill.

The City Manager stated that arrangements could be made with Mr. Ward for this on an individual basis.

MERIT PAY RAISES IN FIRE DEPARTMENT - PROTEST

Mr. Jim Shroat on behalf of the city firemen presented a petition protesting the installation of a merit system for pay raises in the Fire Department.

HOUSING PROJECT - MRS. ELROD

Mrs. Elrod complained about conditions existing in the housing projects, particularly Pisgah View Apartments.

She was advised by the City Manager that this matter comes under the jurisdiction of the Housing Authority and its Executive Director.

RECREATION BOARD - APPRECIATION TO JAYCEES

Mr. William Peyton, Chairman of the Recreation Board for the City of Asheville, expressed gratitude to the Jaycees for their donation of the swimming pool to the city, and expressed the hope that construction can start in February and be completed some time this summer.

BURNED OUT HOUSE AT
215 EAST CHJESTNUT
STREET - DISCUSSION

The Mayor presented a letter requesting that something be done about a burned-out house at 215 East Chestnut Street, and following a discussion this matter was referred to the City Manager.

Adjournment.

MAYOR

CITY CLERK

Regular Meeting January 29, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: Councilman Robert P. Crouch.

1. Approval of the minutes of January 22, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 652 - AN ORDINANCE
ESTABLISHING RECONNECTION CHARGES
FOR WATER SERVICE

2. Third reading of Ordinance #652 amending Section 29-32 of the City Code regarding discontinuing service for utility delinquency.

The City Manager discussed the intent of the fee adjustment and the effort which will be made to collect delinquent accounts, advising that the increase in the water restoration charge is to more closely cover the cost of this service.

Miss Fannie McCoy spoke in opposition to the passage of said ordinance.

Mr. Roy Rogers complained about estimated water bills, and was advised that Mr. Ward will look into this.

Mr. Bill Fast discussed the possibility of charging interest on delinquent water bills.

Following the discussion said ordinance was unanimously passed on its third and final reading.

ASHEVILLE TRANSIT AUTHORITY -
INCREASED TO SEVEN MEMBERS

3. Consideration of a resolution increasing Asheville Transit Authority to seven members.

Resolution No. 70-10 was, upon motion of Luke Atkinson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 423.

ASHEVILLE TRANSIT AUTHORITY -
RESOLUTION APPOINTING MEMBER
(John B. Fisher)

4. Consideration of a resolution appointing member of Asheville Transit Authority.

Resolution No. 70-11 was, upon motion of Councilman Atkinson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 424.

PLANNING AND ZONING COMMISSION -
APPOINTMENT OF MEMBER (John McDuffie)

5. Consideration of a resolution appointing member of the Planning and Zoning Commission for the City of Asheville.

Resolution No. 70-12 was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 425.

BUNCOMBE COUNTY RESCUE SQUAD -
CITY TO MAKE EXPENDITURE

6. Consideration of a resolution directing the City Manager to make an expenditure of up to $1957.00 to the Buncombe County Rescue Squad.

The City Manager explained the work of the Rescue Squad and recommended passage of this resolution.

Resolution No. 70-13 was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 426.

BIDS - SWIMMING POOL -
BEE TREE RECREATION AREA

5. Consideration of bids received January 19th for construction of a swimming pool at Bee Tree Recreation Area.

The City Manager advised that after due advertisement bids had been received for the construction of a swimming pool at Bee Tree Recreation Area, and recommended acceptance of the low bid of Bob Thompson Builders, Inc.

	Bob Thompson Builders Inc.	Hobson Construction Co.
Construction of swimming pool, wading pool and filter system and accessories	$11,800.00	$20,230.50

Councilman Atkinson discussed the fact that city taxpayers also pay county taxes and suggested that the county be invited to pay part of the cost of this swimming pool. There was a discussion concerning closer cooperation with the county on metropolitan problems, and Councilmen Atkinson, Anderson and Colton commented on this.

It was decided to hold a meeting with the County Commissioners on this subject.

Following the discussion, Councilman Colton moved that the low bid be accepted and the contract awarded to Bob Thompson Builders, Inc., which motion was seconded by Councilman Keleher and unanimously adopted.

BIDS - GASOLINE, OIL AND GREASES

6. Consideration of bids received January 20th for gasoline, kerosene, diesel fuel, motor oil and greases for calendar year 1970.

The City Manager advised that after due advertisement bids had been received for gasoline, kerosene, diesel fuel, motor oil and recommended acceptance of the low bids.

	Union (76) Division Union Oil Company of California	Gulf Oil Corp.	Texaco, Inc.
Regular gasoline		$26,537.50	
Premium Gasoline		$58,075.00	
Heavy Duty Motor Oil	$2,950.33		
Heavy Duty Motor Oil	$1,423.46		
Motor Oil Non Detergent		$325.00	
Hydraulic oil	$1,393.35		
Gear Lubricant			$382.32
Gear Lubricant		[illegible]	$590.50
Gear Lubricant		$ 31.44	[illegible]
Multi Service Grease	$258.12		
Wheel Bearing and Track Roller Grease	$ 36.87		
Automatic Transmission Fluid	$ 109.02		
Automatic Transmission Fluid Dextron	$ 136.64		
Kerosene oil	$1,158.30		
Diesel Fuel	$3,053.60		

Councilman Dailey moved that the award be made to the low bidders, which motion was seconded by Councilman Anderson and unanimously adopted.

AUDITING CONTRACTS - CITY
MANAGER AUTHORIZED TO SIGN

7. Consideration of a resolution regarding auditing contracts.

Resolution No. 70-14 was, upon motion of Councilman Atkinson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 427.

PERMIT FOR PUBLIC DEMONSTRATION -
GRANTED BY CITY MANAGER

The City Manager advised that he had granted the Afro American Youth Society a permit to demonstrate (picket) on certain downtown streets in the city on the 30th and 31st of January.

The Mayor stated that it is the consensus of the Council that peaceful protest is a Democratic right and all citizens of the community should respect this right.

BUS SERVICE - PATTON AVENUE

Councilman Atkinson presented a petition requesting bus service on Patton Avenue to the city limits.

STREET LIGHT - NEVADA
AVENUE

Councilman Atkinson presented a petition for an additional street light to be installed on Nevada Avenue.

Adjourniment.

MAYOR

CITY CLERK

Regular Meeting Thursday, February 5, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Robert P. Crouch, Henry E. Colton, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, and City Clerk Margaret Simmons.

Absent: City Manager Phin. Horton, III and Corporation Counsel J. N. Golding.

DDB082

1. Approval of the minutes of the meeting of January 29, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 653 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. Public hearing on the rezoning of the property of Mrs. Evelyn K. Ness off Fairview Road from Industrial District to RA-6 Residential.

The Council was advised that after due advertisement today is the date set for the public hearing, and the Mayor opened the public hearing at 3:01.

Mr. G. A. McCurry, Chairman of the Oakley Residents Committee, spoke about the plans of the Housing Authority for Site A, which is the Ness property, and asked about the plans for Site B.

Mr. William C. Moore, attorney for the Housing Authority, presented plans for Site A, but advised that the plans for Site B, which are not under consideration today, have not been completed.

Mr. B. E. Singleton and Mr. Francis Holt spoke against the rezoning of this property.

The Mayor closed the public hearing at 3:29.

Following a discussion by Council members, Ordinance #653, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Dailey, seconded by Councilman Crouch, defeated on its first reading by a vote of 6 to 1, with Councilmen Crouch, Colton, Keleher, Anderson, Atkinson and Mayor Montgomery voting no and Councilman Dailey voting yes.

PLANNING AND ZONING COMMISSION - RECOMMENDATION (Robinson Ridge Subdivision, property of Pettigrew, Bryant and Oast, and property of Imperial Land Company)

3. Reading of a letter from the Planning and Zoning Commission recommending the zoning of the property of the Robinson Ridge Subdivision to RA-5 R sidential District, that the property of Pettigrew, Bryant and Oast adjacent to the subdivision be zoned Industrial District, and that the property of the Imperial Land Company lying between the old city limit boundary and the property of Pettigrew, Bryant and Oast be rezoned from Industrial to RA-5 Residential District.

The City Clerk was instructed to advertise for a public hearing at petitioners' expense.

HAPPY VALLEY SUBDIVISION, SECTION III - PLAT APPROVED

4. Reading of a letter from the Planning and Zoning Commission recommending approval of final plat of the Happy Valley Subdivision, Section III.

Following a discussion, Councilman Colton moved that said plat be approved under the provisions of Subdivision Ordinance #424, which motion was seconded by Councilman Anderson and unanimously adopted.

ASHEVILLE-BILTMORE BOTANICAL GARDENS - REQUEST

5. Consideration of a resolution from the Asheville Botanical Gardens requesting correction of sewerage and drainage problems along Reed Creek at the site of the Botanical Gardens.

Mr. E. L. Demmon, President of the Asheville-Biltmore Botanical Gardens, presented a resolution requesting replacement of defective sewer lines and recommended that portions of the sewer lines through the Botanical Gardens be concealed from public view by construction of a walkway with a handrail over the pipe.

The Mayor advised this matter would be referred to the City Manager for investigation and thanked the Committee for bringing this matter to the attention of the Council.

SHERATON MOTOR INN - REQUEST FOR SIGN PERMIT

6. Consideration of a request for a ground sign to be erected for the Sheraton Motor Inn within approximately twenty feet of the Cross-Town Expressway on Woodfin Street.

Following a discussion, Councilman Kelleher moved that this matter be referred to the Planning Department and Redevelopment Department for study and recommendation.

BIDS - POLICE CARS AND PANEL TRUCK

7. Consideration of bids received January 30th for eleven police cars and one panel truck.

The Council was advised that after due advertisement bids had been received for eleven police cars, and one panel truck, and that the City Manager recommended awarding the bid to the lowest bidder.;

	Parkland Chevrolet Co.	Dorato Motors, Inc.
11 Police Cars		$19,063.00
1 Panel truck	$2,944.10	

Councilman Anderson moved that the low bid of Dorato Motors, Inc. be accepted for the 11 police cars, and the low bid of Parkland Chevrolet Co. be accepted for the panel truck, which motion was seconded by Councilman Crouch and unanimously adopted.

SANITARY LANDFILL - USE OF BY PRIVATE OPERATORS

Councilman Atkinson inquired whether private operators bringing garbage from the county to the city sanitary landfill are charged a fee.

He was advised by the Director of Public Works that no fee is charged, and that about 30 per cent of the loads dumped at the city site come from outside the city limits. Mr. Cocke further advised that recently city and county officials have been trying to work out some system whereby Asheville and Buncombe County haulers could use both city and county landfills on a fee basis for every load dumped, but that the county is having trouble finding landfill sites to lease or purchase.

UNITED FUND - COMMENDATION TO CITY DEPARTMENTS

Councilman Anderson commended the various city departments on their participation in the United Fund campaign and being awarded plaques and other awards for their contributions.

OLD WEST ASHEVILLE BRIDGE

Councilman Atkinson read a letter from the State Highway Commissioner from this District concerning the old West Asheville Bridge, advising that every consideration will be given to replacing this bridge.

FIRE DEPARTMENT - REQUEST FOR STUDY

Lt. James J. Shroat, representing the firemen, presented the Council with a study of salaries, hospitalization, life insurance, longevity provisions and lost holidays made in other cities, and requested the Council to take this under advisement.

WATER - FREEZING WATER PIPES - DISCUSSION

Mr. Bill McCanless again discussed the cold weather and the number of frozen water pipes in the city, requesting that citizens be allowed to run water to keep pipes from freezing without having to pay more than a percentage of the water bill.

He was advised to discuss this matter with Mr. Ward, and Mr. Robert Brown.

Adjournment

W Shantgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

DDB082

Regular Meeting

Thursday, February 12, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Robert P. Crouch, Henry E. Colton, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

1. Approval of the minutes of February 5, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 654 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. Public hearing on the rezoning of the property of Avon Investment Co., Mary J. Poole and L. O. Huckaby, Inc. off Merrimon Avenue from RA-6 Residential District to Neighborhood Trading Area.

The City Manager advised that after due advertisement today is the date set for the public hearing, and the Mayor opened the public hearing at 3:04 o'clock.

Mr. Fred Pearlman, representing the owners of the property, explained the use to which said property would be put and was available for questioning.

The public hearing was closed at 3:17.

Following a discussion by Council members, Ordinance No. 656, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously passed on its first reading.

SHERATON MOTOR INN - PERMIT TO ERECT SIGN GR ANTED

3. Consideration of a letter from the Director of Planning recommending that a building permit be issued for the construction of a sign at the site of the Sheraton Motor Inn.

The City Manager presented a site plan for the sign which has been reviewed by the Redevelopment Commission and meets all restrictive covenants of the Urban Renewal Project area, together with a schematic plan for said sign, and letters from the Director of Planning and Mr. Hanks.

Following a discussion, Councilman Crouch moved that the building permit be considered favorably and the Building Inspector be authorized to issue the building permit, which motion was seconded by Councilman Colton, and unanimously adopted.

ORDINANCE NO. 655 - AN ORDINANCE AMENDING SECTION 28-63 OF THE CODE OF THE CITY OF ASHEVILLE

4. Consideration of an ordinance amending Section 28.63 of the Code of the City of Asheville clarifying the language used to designate action at signalized intersections.

Ordinance No. 655, being "AN ORDINANCE AMENDING SECTION 28-63 OF THE CODE OF THE CITY OF ASHEVILLE", was, upon motion of Councilman Colton, seconded by Councilman Anderson, unanimously passed on its first reading.

ORDINANCE NO. 656 - AN ORDINANCE AMENDING SECTION 28-64 OF THE CODE OF THE CITY OF ASHEVILLE

5. Consideration of an ordinance amending Section 28-64 of the Code of the City of Asheville to clarify vehicular procedures at intersections which have flashing signals.

Ordinance No. 656, being "AN ORDINANCE AMENDING SECTION 28-64 OF THE CODE OF THE CITY OF ASHEVILLE", was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously passed on its first reading.

ASHEVILLE TRANSIT AUTHORITY - APPOINTMENT OF MEMBER (Roy Meece)

6. Consideration of resolutions appointing members to various commissions and boards.

The City Manager read a resolution appointing Roy Meece to the Asheville Transit Authority.

Councilman Dailey moved that Lacy T. Haith be appointed to said Authority, which motion was seconded by Councilman Crouch

Following a discussion a vote was taken on the motion and it was defeated by a vote of 4 to 3, with Councilmen Crouch, Dailey and Colton voting in favor of the motion, and Councilmen Keleher, Anderson, Atkinson and Mayor Montgomery voting against said motion.

The resolution appointing Roy Meece to the Asheville Transit Authority was then voted on, and Resolution No. 70-15 passed by a vote of 4 to 3, with Councilmen Keleher, Anderson, Atkinson and Mayor Montgomery voting in favor of the resolution, and Councilmen Crouch, Dailey and Colton dissenting.
Complete text of resolution will be found in Resolution Book #5 at page 428.

MRS. JONES, EXECUTIVE SECRETARY TO CITY MANAGER

The City Manager introduced Mrs. Dorothy T. Jones, his new executive secretary, and explained some of her duties.

FROZEN WATER LINES - COST

The City Manager reported that the cost of thawing out frozen water lines following the recent cold spell amounted to $13,544.00.

OVERTIME PAY

The City Manager advised that supervisors do not receive overtime pay, and following a discussion Councilman Crouch moved that the City Manager prepare for Council's consideration a recommendation of compensating employees who now put in overtime without pay, which motion was seconded by Councilman Anderson and unanimously adopted.

SICK LEAVE AND ANNUAL LEAVE

The City Manager discussed in general terms a formula for sick leave and annual leave and was directed to bring a recommendation to the Council in resolution form.

WATER RATES - DISCUSSION

Councilman Atkinson stated he had received many complaints about the price of water and thought the Council should look into this.

The City Manager advised that the water rate study which is now under way has not yet been completed.

SANITARY LANDFILL - USE OF BY PRIVATE OPERATORS

Councilman Atkinson recommended to the Council that the city immediately begin charging a reasonable fee for the use of the city sanitary landfill by private operators.

Councilman Crouch moved that the City Manager make a study of this situation and come back to the Council with a report, which motion was seconded by Councilman Atkinson and unanimously adopted.

HOUSING CODE ENFORCEMENT

Councilman Cllton discussed the city's Workable Program and Housing Element application to the U. S. Department of Housing and Urban Development and stated he would like to have an update report on enforcement of the Housing Code provisions.

The City Manager advised that the Workable Program had been returned for revision, and that he would have Mr. Cunningham and Mr. Hanks make such a report.

ERNEST L. SYMMS - COMPLAINT

Mr. Ernest L. Symms read a letter he had written the City Manager concerning damage done to his car in a catch basin on a city street and criticised the City Manager for not responding to it.

In response to a request of the City Manager, the Director of Public Works stated he had tried to get in touch with Mr. Symms on two occasions to discuss this matter.

The Corporation Counsel was requested to make an investigation and advise Mr. Symms of his findings.

HILLTOP COMMUNITY CENTER - INVITATION

The Council was invited to attend the third birthday anniversary party of Hilltop Community Center to be held at the Center on Sunday, February 155h from 3 to 5 o'clock.

Adjournment

W S Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

DDB082

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The Corporation Counsel was requested to make an investigation and advise Mr. Symms of his findings.

HILLTOP COMMUNITY CENTER - INVITATION

The Council was invited to attend the third birthday anniversary party of Hilltop Community Center to be held at the Center on Sunday, February 155h from 3 to 5 o'clock.

Adjournment

W Shumtgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

DDB082

DEPARTMENT OF CULTURAL RESOURCES
DIVISION OF ARCHIVES AND HISTORY
ARCHIVES AND RECORDS SECTION

CERTIFICATE OF AUTHENTICITY

This is to certify that the microphotographs appearing on this film are true and accurate reproductions of records originated during the normal course of business by the Buncombe County
City OF Asheville

and consist of City Council Minutes

The records begin with Vol. 36 Page (1)
Thursday, September 5, 1968

and end with Vol. 36
February 15 1970

It is further certified that the above records were microfilmed in conformity with the provisions of the *General Statutes of North Carolina*, chapter 8-45.1 and 8-45.4, *"Uniform Photographic Copies of Business and Public Records as Evidence Act"*; that the microphotographic processes accurately reproduce the records so microfilmed; that the film forms a durable medium for reproducing the original, if necessary; and that the film used conforms to American National Standards Institute, *Specifications for Safety Photographic Film*, ANSI PH 1.25-1976 and American National Standards Institute, *Specifications for Photographic Film for Archival Records, Silver-Gelatin on Cellulose Ester Base*, ANSI PH 1.28-1976.

This is further to certify that the microphotographic processes were accomplished by the undersigned on the date and at the reduction ratio indicated below.

Date Filming of this Reel Began 7-17-87 Reduction Ratio 18X
Date Filming of this Reel Ended 7-17-87

Linda D. Woody
Microfilm Camera Operator

NCDA&H

END OF REEL